

CHAPTER 2018-165

Committee Substitute for Committee Substitute for House Bill No. 6535

An act for the relief of the Estate of Dr. Sherrill Lynn Aversa; providing an appropriation to compensate the Estate of Dr. Sherrill Lynn Aversa for Dr. Aversa's death as a result of the negligence of the Department of Transportation; providing a limitation on the payment of fees and costs; providing an effective date.

WHEREAS, on June 21, 1999, an employee of the Department of Transportation was driving a department vehicle north on Interstate 75 in Hillsborough County, and

WHEREAS, on that same day, Dr. Sherrill Lynn Aversa, having completed an interview at the University of South Florida Medical School, was traveling south on Interstate 75, and

WHEREAS, according to departmental policy, employees of the department are required to ensure that all items used by the department and stored on a department vehicle are appropriately secured, and

WHEREAS, one such item used by the department was a 12-foot extension ladder stored on the roof of the truck driven by the department employee and the employee failed to ensure that the ladder was secured to the vehicle before leaving the department's maintenance yard, and

WHEREAS, as the employee traveled north on Interstate 75 in the department vehicle, the extension ladder flew off the roof into the northbound traffic traveling behind the department vehicle, and

WHEREAS, the driver of the vehicle traveling behind the department vehicle swerved to avoid hitting the ladder and, as a result of the swerving movement, lost control of her vehicle, veered to the left, crossed the Interstate 75 median, and struck Dr. Aversa's southbound vehicle, killing Dr. Aversa instantly, and

WHEREAS, as a result of these events, the Estate of Dr. Sherrill Lynn Aversa brought suit against the department for its negligence in causing the death of Dr. Aversa, and

WHEREAS, after 3 years of litigation, the department admitted liability for the accident and agreed to settle the case, and

WHEREAS, the parties agreed to a consent judgment in the amount of \$800,000 solely against the department, with no finding of comparative negligence against any other party, and

WHEREAS, the department has paid \$150,000 to the Estate of Dr. Sherrill Lynn Aversa consistent with the statutory limits of liability set forth in s. 768.28, Florida Statutes, NOW, THEREFORE,

Be It Enacted by the Legislature of the State of Florida:

Section 1. The facts stated in the preamble to this act are found and declared to be true.

Section 2. There is appropriated from the State Transportation Trust Fund to the Department of Transportation the sum of \$650,000 for the relief of the Estate of Dr. Sherrill Lynn Aversa for the death of Dr. Sherrill Lynn Aversa, which amount includes attorney fees and costs.

Section 3. The Chief Financial Officer is directed to draw a warrant, pursuant to the stipulated settlement agreement executed by the Department of Transportation and the personal representative of the Estate of Dr. Sherrill Lynn Aversa, in the amount of \$650,000 upon funds of the Department of Transportation in the State Treasury, and the Chief Financial Officer is directed to pay the same sum out of such funds in the State Treasury.

Section 4. The amount paid by the Department of Transportation pursuant to s. 768.28, Florida Statutes, and the amount awarded under this act are intended to provide the sole compensation for this excess judgment claim and for all other present and future claims arising out of the factual situation described in this act which resulted in the death of Dr. Sherrill Lynn Aversa. Of the amount awarded under this act, the total amount paid for attorney fees may not exceed \$123,500, the total amount paid for lobbying fees may not exceed \$39,000, and no amount may be paid for costs or other similar expenses.

Section 5. This act shall take effect upon becoming a law.

Approved by the Governor March 23, 2018.

Filed in Office Secretary of State March 23, 2018.