

CHAPTER 2023-318

Senate Bill No. 2

An act for the relief of the Estate of Molly Parker; providing an appropriation to compensate the estate for Ms. Parker's death as a result of the negligence of the Department of Transportation; providing a limitation on compensation and the payment of attorney fees; providing legislative intent regarding the waiver of certain liens; providing an effective date.

WHEREAS, on December 12, 2019, 39-year-old Molly Parker was driving her vehicle eastbound on State Road 2 in Jackson County, Florida, approaching the intersection with Old U.S. Road, and

WHEREAS, at the same time, a dump truck loaded with fill dirt and weighing over 40,000 pounds, and owned by the Department of Transportation and driven by an employee of the department, was traveling southbound on Old U.S. Road and arrived at a stop sign at the intersection of Old U.S. Road and State Road 2, and

WHEREAS, the department's employee, failing to yield the right-of-way to Ms. Parker as she entered the intersection, drove the dump truck into the intersection, causing a violent and severe crash in which Ms. Parker's vehicle struck the side of the dump truck, and

WHEREAS, the department's employee was later cited for a violation of s. 316.123(2)(a), Florida Statutes, in connection with the crash, and

WHEREAS, as a result of the impact, Ms. Parker suffered complex comminuted depressed left cranium skull fractures; severe traumatic brain injury; extensive mid-face fractures of her facial bones; a comminuted calcaneal fracture; fractures of her spinal transverse processes at L1, L2, L3, and L4; a fracture of her sternum; pulmonary contusions; and kidney injury, and

WHEREAS, Ms. Parker was designated as being in need of Level 1 trauma care and transported emergently by helicopter to Southeast Alabama Medical Center in Dothan, Alabama, where she underwent emergency brain surgery followed by intensive care, where she died from her injuries on December 22, 2019, and

WHEREAS, Ms. Parker, through no fault of her own, suffered and was treated for multiple traumatic injuries until she died from those injuries, and

WHEREAS, the Estate of Molly Parker incurred costs totaling \$255,347.49 for medical and surgical care and treatment related to the injuries Ms. Parker suffered in the crash, and

WHEREAS, prior to her death, Ms. Parker was educated and gainfully employed as a professional photographer; and with a work life expectancy of another 27.61 years, the amount of her lost earnings, lost support, lost services, and net accumulations after reduction to present value is \$3,040,393, and

WHEREAS, Ms. Parker's survivors, her husband and her 4-year-old son, have experienced mental pain and suffering in connection with her tragic and traumatic injury and death and, as a result of her death, must endure the loss of her companionship, guidance, and protection, and

WHEREAS, the department completed an internal investigation into the cause of the collision, which included investigations by a department safety specialist, unit manager, and the District 3 safety manager, each of whom testified under oath that the collision was caused solely by the negligence of the department's employee and that their investigations revealed that Ms. Parker did nothing wrong to cause or contribute to causing the motor vehicle crash that killed her, and

WHEREAS, in resolving the civil action brought by the personal representative of the Estate of Molly Parker against the department in the Circuit Court for the Second Judicial Circuit, in and for Leon County, Case No. 2020-CA-002294, a final judgment was entered on June 23, 2022, pursuant to the parties' settlement agreement, in favor of the estate in the amount of \$6.25 million, and

WHEREAS, under the terms of the settlement agreement, a total amount of \$6.25 million is to be paid to the Estate of Molly Parker, of which the department has paid \$300,000 pursuant to s. 768.28, Florida Statutes, and

WHEREAS, the unpaid settlement amount in excess of the limitations on liability set forth in s. 768.28, Florida Statutes, is \$5.95 million, and

WHEREAS, the department has agreed to this claim bill being rendered against the department in this matter and supports passage of this claim bill in the amount agreed upon in the settlement agreement, 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. The sum of \$5.95 million is appropriated from the State Transportation Trust Fund to the Department of Transportation for the relief of the Estate of Molly Parker for injuries and damages sustained as a result of Ms. Parker's death.

Section 3. The Chief Financial Officer is directed to draw a warrant in favor of the Estate of Molly Parker in the sum of \$5.95 million upon funds of

the Department of Transportation in the State Treasury and to pay the same out of such funds in the State Treasury.

Section 4. The amount paid by the Division of Risk Management of the Department of Financial Services pursuant to s. 768.28, Florida Statutes, and the amount awarded under this act are intended to provide the sole compensation for all present and future claims arising out of the factual situation described in this act which resulted in the death of Molly Parker. The total amount paid for attorney fees relating to this claim may not exceed 25 percent of the sum of the total amount previously paid by the Department of Transportation and the amount awarded under this act.

Section 5. Excluding the federal portions of any liens, Medicaid or otherwise, which the claimant must satisfy pursuant to s. 409.910, Florida Statutes, it is the intent of the Legislature that the lien interests relating to the care and treatment of Molly Parker are hereby waived and extinguished.

Section 6. This act shall take effect upon becoming a law.

Approved by the Governor June 9, 2023.

Filed in Office Secretary of State June 9, 2023.