

**Florida House of Representatives  
Committee on Civil Justice & Claims  
Summary Claim Bill Reports**

**Bill #:** HB 3027  
**Sponsor(s):** Representative Silver  
**Reference:** Civil Justice & Claims  
**Companion Bill(s):** SB 32 by Senator Silver

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**A. Basic Information**

- 1. Claimant:** Kathryn Malloy
- 2. Respondent:** Palm Beach County School Board
- 3. Amount Requested:** \$86,0500
- 4. Type of Claim:** EXCESS JUDGMENT
- 5. Respondent's Posture:** Unknown
- 6. Collateral Sources:** Ms. Malloy receives worker's compensation benefits and social security disability benefits.
- 7. Prior Legislative History:** None.

**B. Procedural Summary:** A civil action for negligence was pursued, and during the pre-trial litigation, the School Board admitted total liability for the accident. In June of 1994, the case was heard by a jury on the issue of damages only, and a verdict and judgment was entered for a total of \$186,050. The School Board did not appeal the verdict and has paid \$100,000 to Ms. Malloy pursuant to section 768.28. HB 3027 directs the School Board to pay \$86,050, the remainder of the judgment.

**C. Facts of the Case:** In 1992, Ms. Malloy's car was rear-ended by a truck that was owned and operated by the Palm Beach County School Board. The accident aggravated Ms. Malloy's pre-existing back problems to the point that she was no longer able to continue her employment as a home health nurse. Ms. Malloy's injuries have required numerous hospitalizations, she suffers from severe spinal headaches, and she has a morphine pump permanently installed in her back for the administration of pain medication.

**SM:** \_\_\_\_\_ **LRD:** \_\_\_\_\_ **Date:** March 3, 1998  
Richard Hixson Richard Hixson