

STORAGE NAME: h3041a.cjc

DATE: March 17, 1998

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

Bill #: HB 3041
Sponsor(s): Representative Miller
Reference: Civil Justice & Claims, Transportation & Economic Development Appropriations
Companion Bill(s): SB 28 by Senator Forman

A. Basic Information

1. **Claimant:** Frank Roster
2. **Respondent:** Florida Department of Transportation
3. **Amount Requested:** Original Bill Amount - \$7,627,602
Settlement Amount - \$4,600,000
4. **Type of Claim:** EXCESS JUDGMENT/SETTLEMENT
5. **Respondent's Posture:** D. O. T. has agreed to the settlement.
6. **Collateral Sources:** \$65,000 (left from a \$325,000 settlement with Nick's Bar after fees, costs, and partial repayment of medical liens).
7. **Prior Legislative History:** None

B. Procedural Summary: This case was the subject of a six-week jury trial in October of 1994. The jury rendered a verdict of \$15,737,602, assessing 20 percent of the fault to D. O. T. and 80 percent of the fault to the driver of the vehicle that hit Mr. Roster. A judgment of \$7,627,602 was entered against D. O. T. The jury verdict and judgment were affirmed by the Third District Court of Appeal. A claim bill was filed, and during the claim bill process, the parties agreed to a reduced claim bill amount of \$4,600,000.

C. Facts of the Case: In 1988, Frank Roster was riding his bike on the far right side of A1A in Hollywood, Florida when he was hit from behind by a vehicle driven by a man who was legally intoxicated. As a result of the accident, Frank Roster was rendered a quadriplegic. A jury heard evidence that D. O. T. contributed to the accident for failing to build the roadway in accordance with its own standards. Mr. Roster will have medical and life care needs for the rest of his life.

SM: _____ **LRD:** _____ **Date:** February 25, 1998
Richard Hixson Richard Hixson