



THE FLORIDA SENATE
SPECIAL MASTER ON CLAIM BILLS

Location

408 The Capitol

Mailing Address

404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5237

November 9, 1999

| <u>SPECIAL MASTER'S FINAL REPORT</u> | <u>DATE</u> | <u>COMM</u> | <u>ACTION</u> |
|---|-------------|----------------|---------------|
| The Honorable Toni Jennings President, The Florida Senate Suite 409, The Capitol Tallahassee, Florida 32399-1100 | 11/19/99 | SM JU FR | Unfavorable |

Re: SB 36 - Senator Walter Campbell
HB 387 - Representative Ed Healey
Relief of Laura D. Strazza

THIS IS AN EXCESS JUDGMENT CLAIM FOR \$944,829, BASED ON A JURY VERDICT AGAINST THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES TO COMPENSATE MS. STRAZZA FOR INJURIES AND DAMAGES SHE SUSTAINED AS A RESULT OF A DEPARTMENTAL EMPLOYEE'S NEGLIGENCE IN CAUSING A MOTOR VEHICLE ACCIDENT. THIS BILL DIRECTS THE COMPTROLLER TO PAY THE CLAIM FROM FUNDS IN THE STATE TREASURY TO THE CREDIT OF THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.

FINDINGS OF FACT:

For the reasons discussed below, no Special Master hearing was conducted on this claim. Consequently, the following facts are taken from the Senate bill and are provided solely as background information.

On April 25, 1996, Laura D. Strazza was a passenger in a motor vehicle being driven on U. S. Highway 1 in Juno Beach, Palm Beach County, Florida. An employee of the Florida Department of Agriculture and Consumer Services, Division of Forestry, was operating a large transport truck on and next to the highway. The truck

driven by the department's employee collided with the vehicle in which Ms. Strazza was a passenger.

As a result of the accident, Ms. Strazza sustained multiple grievous injuries and has been unable to work. Ms. Strazza has undergone surgical procedures and will need to undergo future surgical procedures.

On July 13, 1999, a jury returned a verdict in favor of Laura D. Strazza, finding the department's employee partly negligent in causing the accident. The jury awarded damages in the amount of \$1,464,000. After consideration of collateral sources and the negligence apportioned to the driver of the vehicle in which Ms. Strazza was a passenger, the final award was reduced to \$1,071,550.

A final judgment of \$944,829 was entered on September 22, 1999. This claim bill is for that amount.

CONCLUSIONS OF LAW:

Senate Rule 4.81(f), states:

The hearing and consideration of a claim, any element of which is pending in litigation, shall be held in abeyance until all judicial activity thereon, ***including any appellate proceedings,*** shall have come to rest. (Emphasis supplied).

The defendant, Florida Department of Agriculture and Consumer Services, has filed a Notice of Appeal. Pursuant to Rule 4.81(f), this claim is held in abeyance while the appeal is pending.

The parties were notified that the appeal would have to be disposed of before a Special Master's hearing could be held. As of this date, the appeal remains pending in the Fourth District Court of Appeal. Consequently, the Special Master is not able to hold a timely hearing on this claim.

ATTORNEYS FEES:

Not applicable.

RECOMMENDATIONS:

Because each claimant bears the burden of proof and the burden of going forward at a Special Master's hearing

with a preponderance of evidence to support his or her claim, and because Ms. Strazza, pursuant to Rule 4.81(f), has been unable to do so in light of the department's pending judicial appeal of the final judgment that underlies the claim, without expressing any opinion or conclusions on the merits of Ms. Strazza's claim as the merits may be made to appear at a Special Master's hearing, I recommend that SB 36 (2000) be reported UNFAVORABLY.

Respectfully submitted,

John Forgas
Senate Special Master

cc: Senator Walter Campbell
Representative Ed Healey
Faye Blanton, Secretary of the Senate
Mike Carlson, House Special Master