



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 16, 2000

SPECIAL MASTER'S FINAL REPORT	DATE	COMM	ACTION
President of the Senate Suite 409, The Capitol Tallahassee, Florida 32399-1100	11/16/00	SM TR FR	Unfavorable

Re: SB 4 – Senator Charlie Bronson
Relief of Angelo Juliano

THIS IS AN EXCESS JUDGEMENT CLAIM FOR \$302,500 BASED UPON A JURY VERDICT AGAINST THE DEPARTMENT OF TRANSPORTATION TO COMPENSATE ANGELO JULIANO FOR INJURIES AND DAMAGES HE SUSTAINED IN A FALL RESULTING FROM THE NEGLIGENCE OF THE DEPARTMENT. THIS BILL DIRECTS THE COMPTROLLER TO PAY THE CLAIM BY DRAWING A WARRANT UPON FUNDS IN THE STATE TREASURY TO THE CREDIT OF THE DEPARTMENT.

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 September 16, 1991, Angelo Juliano, a corrections officer employed by the Department of Corrections, was performing his responsibilities of guarding prisoners. On that date and while performing his on-the-job responsibilities, Mr. Juliano fell in a trailer maintained by the Department of Transportation. Mr. Juliano suffered extensive injuries to his left leg. In addition, Mr. Juliano has received psychiatric care for depression directly resulting from the injuries. As a result of his injuries, the Department of Corrections terminated Mr. Juliano from his position as a correction officer. The Department of Transportation was responsible for maintaining the trailer. The floor of the trailer had been in need of repair for at least one year before the injury occurred to Mr. Juliano. One month prior to Mr. Juliano's injury, a Department of Transportation employee fell in the same location and suffered injuries. A jury returned a verdict in favor of Mr. Juliano in the amount of \$402,500. After the

Department of Transportation has paid Angelo Juliano \$100,000, the maximum allowable under §768.28, F.S., this claim bill will be for the remaining excess judgment of \$302,500.

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 Department of Transportation has filed a Notice of Appeal. Pursuant to Senate Rule 4.81(f), this claim is held in abeyance while the appeal is pending. The parties were notified the appeal would have to be disposed of before a Special Master's hearing could be held. As of the date of this report the appeal remains pending in the Supreme Court. Consequently, the Special Master is not able to hold a timely hearing on this claim.

ATTORNEYS FEES:

Not applicable.

RECOMMENDATIONS:

Because each claimant carries 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 Angelo Juliano, pursuant to Senate Rule 4.81(f), has been unable to do so in light of the Department of Transportation's pending judicial appeal of the final judgment that underlies this claim, and without expressing any opinion or conclusions on the merits of Angelo Juliano's claim as the merits may be made to appear at a Special Master's hearing, I recommend that Senate Bill 4 (2001) be reported UNFAVORABLY.

Respectfully submitted,

Reynold Meyer
Senate Special Master

cc: Senator Charlie Bronson
Faye Blanton, Secretary of the Senate
House Claims Committee