



THE FLORIDA SENATE

SPECIAL MASTER ON CLAIM BILLS

Location
408 The Capitol

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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 CA FR	Unfavorable

Re: SB 38 – Senator Mandy Dawson
Relief of James Fink

THIS IS AN EQUITABLE CLAIM FOR AN UNSPECIFIED AMOUNT OF DAMAGES TO BE PAID TO CLAIMANT FOR INJURIES SUSTAINED DURING AN ACCIDENT IN WHICH CLAIMANT'S MOTORCYCLE COLLIDED WITH A BUS OWNED AND OPERATED BY THE CITY OF KEY WEST.

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 4, 1998, James Fink was driving a motorcycle near the intersection of South Roosevelt Boulevard and Duck Avenue in the City of Key West. An employee of the city was operating a bus. The bus and the motorcycle collided. As a result of the accident, Mr. Fink sustained multiple injuries which required surgery.

Mr. Fink filed suit against the City of Key West. A mediation was scheduled in the case for October 13, 2000. By letter dated October 5, 2000, Nathan Eden, attorney for claimant, advised that the mediation would be rescheduled for some time in mid-November. The case is currently set for trial on January 22, 2001. Thus, as of the date of this report, the case has not been settled nor tried.

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.)

Consequently, this claim bill is not ripe for legislative consideration, as judicial activity in this matter has not come to rest.

ATTORNEYS FEES:

Not applicable.

RECOMMENDATIONS:

Pursuant to the foregoing, it is recommended that Senate Bill 38 be reported UNFAVORABLY.

Respectfully submitted,

Tina White
Senate Special Master

cc: Senator Mandy Dawson
Faye Blanton, Secretary of the Senate
House Claims Committee