



# THE FLORIDA SENATE

## SPECIAL MASTER ON CLAIM BILLS

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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 44 – Senator Betty Holzendorf  
Relief of Terri Yost, individually,  
and as Personal Representative  
of Joseph Michael Colopy

THIS IS A CLAIM FOR AN UNSTATED AMOUNT FROM THE FUNDS OF VOLUSIA COUNTY TO COMPENSATE TERRI YOST, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF HER MINOR SON, JOSEPH MICHAEL COLOPY, AND FOR THE RELIEF OF MICHAEL COLOPY.

### FINDINGS OF FACT:

Joseph Michael Colopy, a minor who was riding a bicycle, was involved in a collision with a public bus operated by Volusia County on August 13, 1997.

Joseph Michael Colopy suffered injuries that ultimately resulted in his death on July 28, 1999.

On July 7, 2000, notice of intent to apply to the 2001 Session of the Florida Legislature for passage of an act for the relief of Terri Yost as personal representative of the estate of Joseph Michael Colopy was published in the Orlando Sentinel.

The case was scheduled for a trial date of December 11, 2000, and mediation was scheduled for October 16, 2000.

The October 16, 2000 mediation was conducted as scheduled, but did not result in settlement. As of the date of this report, the case was not settled.

As of the date of this report, the case still had not been tried in court.

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.

By letter dated October 23, 2000, Eric Faddis, attorney for the claimant, advised Senator Forman that the claim was not ripe for consideration and requested that he take steps to withdraw the bill. Further, by the same letter, he noted that if settlement were to occur, any settlement in excess of the statutory sovereign immunity cap would be paid by and through a private insurance carrier, thereby obviating the need for legislative action in this matter.

CONCLUSIONS OF LAW:

Under the provision of Senate Rule 4.81(f), this claim bill is not ripe for legislative consideration as a trial in this matter has not been held and judicial activity is pending.

ATTORNEYS FEES:

None.

RECOMMENDATIONS:

Pursuant to the foregoing, it is recommended that Senate Bill 44 (2001) be reported UNFAVORABLY.

Respectfully submitted,

James Rhea  
Senate Special Master

cc: Senator Betty Holzendorf  
Faye Blanton, Secretary of the Senate  
House Claims Committee