

1989

Session Law 89-398

Florida Senate & House of Representatives

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House of Representatives, Florida Senate &, "Session Law 89-398" (1989). *Staff Analysis*. 1190.
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S 1034 GENERAL BILL by Weinstock

Relief/Marsha Harkovitch; provides an appropriation to Scott A. Harkovitch & Kelly E. Harkovitch, minors, to compensate them for the death of Marsha Harkovitch, their mother, whose death resulted from negligence of Transportation Dept. Claim with Appropriation: \$300,000. Effective Date: 07/06/89.

04/05/89 SENATE Filed

04/14/89 SENATE Introduced, referred to The Special Master on Claims; Finance, Taxation and Claims -SJ 146

04/28/89 SENATE Extension of time granted Committee The Special Master on Claims

05/12/89 SENATE Extension of time granted Committee The Special Master on Claims

05/22/89 SENATE Comm. Report: Favorable by The Special Master on Claims -SJ 402; Now in Finance, Taxation and Claims -SJ 402

05/26/89 SENATE Extension of time granted Committee Finance, Taxation and Claims

05/30/89 SENATE On Committee agenda—Finance, Taxation and Claims, 05/31/89, upon adjournment of session, Room-1C-(309) -SJ 613

05/31/89 SENATE Comm. Report: Favorable by Finance, Taxation and Claims, placed on Calendar -SJ 686

06/02/89 SENATE Placed on Claims Calendar -SJ 863; Passed; YEAS 30 NAYS 3 -SJ 998

06/02/89 HOUSE In Messages; Received, placed on Calendar; Read second time; Read third time; Passed; YEAS 81 NAYS 22 -HJ 1409

06/03/89 Ordered enrolled -SJ 1406

06/20/89 Signed by Officers and presented to Governor

07/06/89 Became Law without Governor's Signature; Chapter No. 89-398

NOTES: Above bill history from Division of Legislative Information's *FINAL LEGISLATIVE BILL INFORMATION, 1989 SESSIONS*. Staff Analyses for bills amended beyond final committee action may not be in accordance with the enacted law. Journal page numbers (HJ & SJ) refer to daily Journals and may not be the same as final bound Journals.

REVISED: _____

BILL NO. SB 1034

DATE: May 26, 1989

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SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. _____	<u>Kerns</u>	1. <u>SM</u>	<u>Favorable</u>
2. <u>Barrett</u> <i>KB</i>	<u>Beggs</u>	2. <u>FTC</u>	<u>Fav</u>
3. _____	_____	3. _____	_____
4. _____	_____	4. _____	_____

SUBJECT:

Relief of Scott and Kelly Harkovitch

BILL NO. AND SPONSOR:

SB 1034 by Senator Weinstock

I. SUMMARY:

On October 15, 1983, about 1:15 a.m. Marsha Horton Harkovitch,, age 26, wife of John G. Harkovitch and mother of Scott, age 5 and Kelly age 1, was a passenger in an automobile being driven west on a two-lane semi-rural highway in Palm Beach County. The driver of the automobile swerved to avoid hitting a dog and the right wheels ran off the edge of the pavement and into the shoulder. The driver said that the rear wheel "grabbed" the edge of the pavement and jerked the car across the road. The car slid at an angle across the pavement, flipped in the air and landed with its right side against a driveway retaining wall. Mrs. Harkovitch was mortally injured and died at Humana Hospital.

John G. Harkovitch, husband of the deceased, filed suit against the Department of Transportation (DOT) for failure by the DOT to maintain the highway shoulder. The verdict in the suit found the DOT guilty of negligence that was the legal cause of Marcia Harkovitch's death and awarded John Harkovitch \$140,568.93 and each child \$490,568.93. The DOT has paid its statutory cap of \$200,000.

Attorney fees and costs were paid from the total and \$25,000 was set aside in trust to cover the costs of the claim bill process. The remainder was divided in proportion to the amounts in the judgement. Each child's net portion - \$52,311.60 - was then placed in a guardianship account.

Upon its consideration of this claim in 1988 (SB 68), the Senate adopted an amendment proposed by the Committee on Finance, Taxation and Claims that deleted any recovery for the husband and set the recovery for each child at \$150,000.

II. ECONOMIC IMPACT AND FISCAL NOTE:

The bill is an excess judgment claim for \$300,000. The bill directs the DOT to pay to a trust fund for Scott A. and Kelly E. Harkovitch, the sum of \$300,000.

III. COMMENTS:

The Special Master recommends SB 1034 favorably.

IV. AMENDMENTS:

None.