

STORAGE NAME: HB 1881b.cjc

DATE: April 14, 1997

**Florida House of Representatives
Committee on Civil Justice & Claims
Summary Claim Bill Report**

Bill #: HB 1881

Sponsor(s): Representative Ritter

References: Civil Justice & Claims

Companion Bill(s): SB 2470 by Senator Childers

A. Basic Information

- 1. Claimant:** David Kelley and the Estate of Alto Kelley
- 2. Respondent:** State of Florida, Department of Transportation
- 3. Amount Requested:** \$1,400,000
- 4. Type of Claim:** EQUITABLE CLAIM/SETTLEMENT
- 5. Respondent's Posture:** The department has agreed to the settlement
- 6. Collateral Sources:** None apparent
- 7. Prior Legislative History:** None

B. Procedural Summary: The claimants and the Department of Transportation reached an agreement to settle this case for \$1,600,000. HB 1881 would direct the department to pay to the claimants the amount of the settlement which exceeds the statutory cap of \$200,000.

C. Facts of the Case: On February 15, 1996, an employee of the Department of Transportation was driving a vehicle owned by the department on Highway 87 in Santa Rosa County. The employee left the roadway after losing control of the vehicle. She reentered the roadway in the path of oncoming traffic, colliding with a vehicle operated by David Kelley. The accident killed Alto Kelley, who was survived by two children under 25 years of age. The accident left David Kelley with multiple fractures, some of which have required corrective surgery. David Kelley's medical bills have exceeded \$100,000, and some of his injuries may be permanent.

LRS: _____ **LRD:** _____ **Date:** April 14, 1997
Charles R. Boning Richard Hixson