

By Senator Childers

1-14A-98

1 A bill to be entitled
2 An act for the relief of David Kelley and the
3 Estate of Alto Kelley; providing an
4 appropriation as compensation for injuries and
5 damages sustained as a result of the negligence
6 of the Department of Transportation; providing
7 an effective date.

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9 WHEREAS, on February 15, 1996, Elizabeth Townsend, an
10 employee of the State of Florida, Department of
11 Transportation, was driving a vehicle owned by the Department
12 of Transportation on Highway 87 in Santa Rosa County, and

13 WHEREAS, on February 15, 1996, David Kelley was driving
14 a vehicle on Highway 87 in Santa Rosa County in the opposite
15 direction of the vehicle being operated by Elizabeth Townsend,
16 and

17 WHEREAS, on February 15, 1996, Elizabeth Townsend lost
18 control of the Department of Transportation vehicle she was
19 operating, leaving the right-hand side of Highway 87 and then
20 reentering the roadway into the path of oncoming traffic and
21 the vehicle operated by David Kelley, and

22 WHEREAS, the Department of Transportation vehicle
23 operated by Elizabeth Townsend struck the vehicle driven by
24 David Kelley, severely injuring him and killing his father,
25 Alto Kelley, who was a passenger in the car, and

26 WHEREAS, the officer who investigated the accident
27 concluded that Elizabeth Townsend negligently operated her
28 vehicle and caused the accident, and

29 WHEREAS, Alto Kelley, who was killed in the accident,
30 was survived by two children under the age of 25, his son
31 David and his daughter Katina, and

1 WHEREAS, both David Kelley and Katina Kelley were
2 financially and emotionally dependent on their father, Alto
3 Kelley, and

4 WHEREAS, Alto Kelley's daughter, Katina Kelley, lived
5 with her father and was financially supported by her father,
6 and

7 WHEREAS, Alto Kelley's son, David Kelley, worked with
8 his father in his business and depended on him financially and
9 otherwise for the success of his business, and

10 WHEREAS, David Kelley suffered severe injuries as a
11 result of the accident, including multiple severe fractures
12 which have left him significantly disabled, and

13 WHEREAS, David Kelley sustained a distal radius
14 fracture, open ulnar fracture, femoral shaft fracture,
15 bimalleolar fracture of the right ankle, significant
16 separation of flesh from the elbow to the forearm, fractures
17 of the second, third, and fourth ribs, pneumothorax,
18 subcutaneous emphysema, and femoral neck fracture, and

19 WHEREAS, David Kelley has had numerous corrective
20 surgical procedures and has incurred medical bills in excess
21 of \$100,000, and

22 WHEREAS, David Kelley will require additional surgeries
23 in the future, including a probable amputation below the left
24 knee due to complications from his ankle injury, and

25 WHEREAS, David Kelley's wife, Regina Kelley, has lost
26 the companionship, support, and society of her husband, and

27 WHEREAS, based on the Department of Transportation's
28 liability and the damages sustained by David Kelley, Regina
29 Kelley, and Katina Kelley as a result of the accident, the
30 Department of Transportation and the claimants have reached an
31

1 agreement to settle this case for the amount of \$1,600,000,
2 and

3 WHEREAS, the amount of \$200,000 is payable pursuant to
4 section 768.28, Florida Statutes, but the remainder of
5 \$1,400,000 may be paid only pursuant to the passage of this
6 act, NOW, THEREFORE,

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8 Be It Enacted by the Legislature of the State of Florida:

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10 Section 1. The facts stated in the preamble to this
11 act are found and declared to be true.

12 Section 2. The Executive Office of the Governor is
13 directed to transfer existing spending authority or establish
14 spending authority from unappropriated trust fund balances in
15 the Department of Transportation in the amount of \$1,400,000
16 to a new category titled "Relief - David Kelley and the Estate
17 of Alto Kelley" as relief for injuries and damages sustained.

18 Section 3. The Comptroller is directed to draw his
19 warrant to the Trust Account of Levin, Middlebrooks, Mabie,
20 Thomas, Mayes & Mitchell, P.A., in the sum of \$1,400,000 upon
21 funds of the Department of Transportation in the State
22 Treasury and the State Treasurer is directed to pay the same
23 out of such funds in the State Treasury.

24 Section 4. This act shall take effect July 1, 1998.

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27 LEGISLATIVE SUMMARY

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29 Provides a \$1,400,000 appropriation for the relief of
30 David Kelley and the Estate of Alto Kelley as
31 compensation for injuries and damages sustained as a
result of the negligence of the Department of
Transportation.