

Bill No. SB 14

Amendment No. 1

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Transportation recommended the following amendment:

Senate Amendment (with title amendment)

On page 2, line 24, through page 3, line 2, delete those lines

and insert: the credit of the Department of Transportation solely for use in Trey Alls' care. The department shall disburse the funds in accordance with the Stipulated Settlement Agreement and Release and Indemnification Agreement that was attached as exhibit A to the court order entered by Judge Michael R. Weatherby on August 5, 1998, in the case of Trey Anthony Alls, a Minor, by and through Joseph F. Duszlak, as guardian of the property of TREY ANTHONY ALLS, and HEATHER C. ALLS, individually, v. State of Florida, Department of Transportation.

Section 3. This act shall take effect upon becoming a law.

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 1, line 5, through page 2, line 16, delete
4 those lines

5
6 and insert:

7 result of an automobile accident; providing an
8 effective date.

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10 WHEREAS, on June 1, 1994, a vehicle on the Main Street
11 Bridge in Jacksonville, Florida, crossed over into the
12 opposite lane of traffic and struck a car in which
13 18-month-old Trey Alls was a passenger, and

14 WHEREAS, as a result of this accident, Trey has
15 sustained severe traumatic brain injuries and profound
16 cognitive impairment, has become profoundly developmentally
17 disabled, nonambulatory, and unable to participate in any self
18 care, and is permanently and totally disabled and will require
19 attendant care for the remainder of his life, and

20 WHEREAS, a life-care plan has been prepared detailing
21 Trey's future needs, the life-care plan has been costed out by
22 an economist, and the present monetary value of Trey's
23 economic losses has been set at an amount in excess of \$3
24 million, and

25 WHEREAS, suit was brought in the Circuit Court in and
26 for Duval County, Florida, against the State of Florida,
27 Department of Transportation, and

28 WHEREAS, the department desires to provide for the
29 future care of Trey Alls for the remainder of his life, and

30 WHEREAS, the department and the representatives of Trey
31 Alls have agreed to and entered into a stipulated settlement

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1 agreement, in order to resolve the claims of Trey Alls without
2 the necessity of a jury trial, and

3 WHEREAS, pursuant to the stipulated settlement
4 agreement, the parties have agreed to settle this case for the
5 total sum of \$1,975,000, and

6 WHEREAS, the parties acknowledge and agree that
7 \$200,000 is to be paid by the department pursuant to Florida's
8 sovereign immunity statute, and

9 WHEREAS, the parties further acknowledge and agree that
10 the remaining sum of \$1,775,000 is payable by the department
11 pursuant to a legislative claim bill, NOW, THEREFORE,

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