

By Senator Holzendorf

2-41A-99

1                                   A bill to be entitled  
2           An act relating to the Department of  
3           Transportation; providing for the relief of  
4           Trey Anthony Alls for injuries sustained as a  
5           result of departmental negligence; providing an  
6           effective date.

7  
8           WHEREAS, on June 1, 1994, while operating a vehicle on  
9           the Main Street Bridge in Jacksonville, Florida, Tiny Rones  
10          Thomas lost control of the vehicle, crossed over into the  
11          opposite lane of traffic, and struck a car in which  
12          18-month-old Trey Alls was a passenger, and

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

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

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

27          WHEREAS, the suit against the department alleges that  
28          the department maintained the center span of the Main Street  
29          Bridge in a manner that permitted the decking, when wet, to  
30          become dangerously slick, thereby creating a hidden danger for  
31          users of the bridge, and

1           WHEREAS, the plaintiff further alleges that the  
2 department, having notice of this dangerous condition, was  
3 under a duty to maintain the bridge so that it would be  
4 reasonably safe for motorists to drive on when the steel  
5 decking was wet and to provide warning of the dangerous  
6 condition, and

7           WHEREAS, prior to trial, the parties have agreed to  
8 settle this case for the total sum of \$1,975,000, and

9           WHEREAS, the parties acknowledge and agree that  
10 \$200,000 is to be paid by the department pursuant to Florida's  
11 sovereign immunity statute, and

12           WHEREAS, the parties further acknowledge and agree that  
13 the remaining sum of \$1,775,000 is payable by the department  
14 pursuant to a legislative claim bill, and

15           WHEREAS, the department has agreed to support and  
16 assist in the passage of such a claim bill, NOW, THEREFORE,

17  
18 Be It Enacted by the Legislature of the State of Florida:

19  
20           Section 1. The facts stated in the preamble to this  
21 act are found and declared to be true.

22           Section 2. The sum of \$1,775,000 is appropriated out  
23 of funds in the State Treasury not otherwise appropriated to  
24 the credit of the Department of Transportation to be paid to  
25 Heather C. Alls, the mother of Trey Anthony Alls, for use in  
26 Trey's care.

27           Section 3. The Comptroller is directed to draw his  
28 warrant in favor of Heather C. Alls in the sum of \$1,775,000,  
29 upon funds in the State Treasury to the credit of the  
30 Department of Transportation, and the State Treasurer is  
31 directed to pay the same out of such funds.

