

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

An act relating to the Department of Transportation; providing for the relief of Trey Anthony Alls for injuries sustained as a result of an automobile accident; providing for reimbursement of all unreimbursed medical payments made by Medicaid up to the date that this bill becomes a law; providing an effective date.

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

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

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

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

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

1 WHEREAS, the department and the representatives of Trey
2 Alls have agreed to and entered into a stipulated settlement
3 agreement, in order to resolve the claims of Trey Alls without
4 the necessity of a jury trial, and

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

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

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

14

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

16

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

19 Section 2. The sum of \$1,775,000 is appropriated out
20 of funds in the State Treasury not otherwise appropriated to
21 the credit of the Department of Transportation solely for use
22 in Trey Alls' care. The department shall disburse the funds in
23 accordance with the Stipulated Settlement Agreement and
24 Release and Indemnification Agreement that was attached as
25 exhibit A to the court order entered by Judge Michael R.
26 Weatherby on August 5, 1998, in the case of Trey Anthony Alls,
27 a Minor, by and through Joseph F. Duszlak, as guardian of the
28 property of TREY ANTHONY ALLS, and HEATHER C. ALLS,
29 individually, v. State of Florida, Department of
30 Transportation.

31

1 Section 3. The governmental entity responsible for
2 payment of the warrant shall pay to the Florida Agency for
3 Health Care Administration the amount due under section
4 409.910, Florida Statutes, prior to disbursing any funds to
5 the claimant. The amount due to the agency shall be equal to
6 all unreimbursed medical payments paid by Medicaid up to the
7 date that this bill becomes a law.

8 Section 4. This act shall take effect upon becoming a
9 law.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31