

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

The Committee on Claims offered the following:

Amendment (with title amendment)

On page 2, line 24, through page 3, line 2,
remove from the bill:
All of said lines

and insert in lieu thereof: 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. The governmental entity responsible for payment of the warrant shall pay to the Florida Agency for Health Care Administration the amount due under section 409.910, Florida Statutes, prior to disbursing any funds to

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1 the claimant. The amount due to the agency shall be equal to
2 all unreimbursed medical payments paid by Medicaid up to the
3 date that this bill becomes a law.

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

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

9 And the title is amended as follows:

10 On page 1, line 5, through page 2, line 16, delete
11 those lines

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13 and insert:

14 result of an automobile accident; providing for
15 reimbursement of all unreimbursed medical
16 payments made by Medicaid up to the date that
17 this bill becomes a law; providing an effective
18 date.

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20 WHEREAS, on June 1, 1994, a vehicle on the Main Street
21 Bridge in Jacksonville, Florida, crossed over into the
22 opposite lane of traffic and struck a car in which
23 18-month-old Trey Alls was a passenger, and

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

30 WHEREAS, a life-care plan has been prepared detailing
31 Trey's future needs, the life-care plan has been costed out by

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1 an economist, and the present monetary value of Trey's
2 economic losses has been set at an amount in excess of \$3
3 million, and
4 WHEREAS, suit was brought in the Circuit Court in and
5 for Duval County, Florida, against the State of Florida,
6 Department of Transportation, and
7 WHEREAS, the department desires to provide for the
8 future care of Trey Alls for the remainder of his life, and
9 WHEREAS, the department and the representatives of Trey
10 Alls have agreed to and entered into a stipulated settlement
11 agreement, in order to resolve the claims of Trey Alls without
12 the necessity of a jury trial, and
13 WHEREAS, pursuant to the stipulated settlement
14 agreement, the parties have agreed to settle this case for the
15 total sum of \$1,975,000, and
16 WHEREAS, the parties acknowledge and agree that
17 \$200,000 is to be paid by the department pursuant to Florida's
18 sovereign immunity statute, and
19 WHEREAS, the parties further acknowledge and agree that
20 the remaining sum of \$1,775,000 is payable by the department
21 pursuant to a legislative claim bill, NOW, THEREFORE,
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