

By Representative Brown

1 A bill to be entitled
2 An act for the relief of Billie Jo McIntire;
3 providing an appropriation to compensate Billie
4 Jo McIntire, as surviving spouse and Personal
5 Representative of the Estate of Jeffrey Scott
6 McIntire, deceased, and Sarah Ellen Megan
7 McIntire and Christian Jeffrey Taylor McIntire,
8 surviving minor children of Jeffrey Scott
9 McIntire, deceased, for the wrongful death of
10 their husband and father, Jeffrey Scott
11 McIntire, as a result of the negligence of the
12 Florida Department of Transportation; providing
13 an effective date.

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15 WHEREAS, on July 17, 1997, Jeffrey McIntire, a
16 Crestview police officer, husband of Billie Jo McIntire, and
17 father of Sarah McIntire, a minor 18 months of age at the
18 time, was traveling home to his family on State Road 10
19 (Highway 90) in Okaloosa County, Florida, and

20 WHEREAS, on July 17, 1997, Jeffrey McIntire and his
21 wife, Billie Jo McIntire, were awaiting the birth of their son
22 Christian McIntire, and

23 WHEREAS, on July 17, 1997, an employee of the Florida
24 Department of Transportation, while operating a departmental
25 vehicle and in performance of his duties with the Department
26 of Transportation, was traveling on State Road 10 (Highway 90)
27 at Mosseyhead, in Okaloosa County, Florida, and

28 WHEREAS, it was raining on the afternoon of July 17,
29 1997, and the dangerous roadway, bald tires, and high speeds
30 caused the departmental employee to violently project his
31 vehicle over the center line of the roadway and into the path

1 of Jeffrey McIntire, resulting in a severe crash in which
2 Jeffrey McIntire was killed, and

3 WHEREAS, the Department of Transportation had a
4 responsibility at that time to maintain Highway 90 and to
5 safely maintain the vehicles operated by its employees on
6 public highways, and

7 WHEREAS, the employee operating the Department of
8 Transportation vehicle was responsible for inspecting Highway
9 90 and other adjacent roadways to determine whether safety
10 hazards existed or repairs were required, and

11 WHEREAS, litigation was filed in Okaloosa County for
12 the wrongful death of Jeffrey McIntire, and claims were
13 asserted on behalf of Billie Jo McIntire, Sarah McIntire, and
14 Christian McIntire, and

15 WHEREAS, before trial, the parties agreed to a
16 stipulated settlement of \$1,200,000, \$200,000 of which has
17 been paid and the \$1,000,000 balance is to be pursued through
18 the filing of a claim bill, and

19 WHEREAS, the terms of the settlement agreement
20 stipulate that any sums recovered through the passage of a
21 claim bill shall be apportioned equally between Billie Jo
22 McIntire, as surviving spouse and Personal Representative of
23 the Estate of Jeffrey Scott McIntire, deceased, Sarah Ellen
24 Megan McIntire, surviving minor child of Jeffrey Scott
25 McIntire, deceased, and Christian Jeffrey Taylor McIntire,
26 surviving minor child of Jeffrey Scott McIntire, deceased,
27 with each person receiving one-third of the resulting balance
28 after payment of fees, costs, and expenses, and

29 WHEREAS, the Department of Transportation affirmatively
30 supports a claim bill in the amount of \$1,000,000, NOW,
31 THEREFORE,

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

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

5 Section 2. The sum of \$1,000,000 is appropriated out
6 of funds in the State Treasury to the credit of the Department
7 of Transportation and not otherwise appropriated to be paid to
8 Billie Jo McIntire, as surviving spouse and Personal
9 Representative of the Estate of Jeffrey Scott McIntire,
10 deceased, and as surviving parent and legal guardian of Sarah
11 Ellen Megan McIntire, surviving minor child of Jeffrey Scott
12 McIntire, deceased, and Christian Jeffrey Taylor McIntire,
13 surviving minor child of Jeffrey Scott McIntire, deceased, as
14 relief for the wrongful death of Jeffrey Scott McIntire.
15 After payment of fees, costs, and authorized expenses, the
16 proceeds recovered through the passage of this act shall be
17 apportioned equally between Billie Jo McIntire, surviving
18 spouse of Jeffrey Scott McIntire, deceased, Sarah Ellen Megan
19 McIntire, surviving minor child of Jeffrey Scott McIntire,
20 deceased, and Christian Jeffrey Taylor McIntire, surviving
21 minor child of Jeffrey Scott McIntire, deceased, pursuant to
22 the terms of the stipulated settlement agreement.

23 Section 3. The Comptroller is directed to draw a
24 warrant in favor of Billie Jo McIntire, as surviving spouse
25 and Personal Representative of the Estate of Jeffrey Scott
26 McIntire, deceased, and as surviving parent and legal guardian
27 of Sarah Ellen Megan McIntire, surviving minor child of
28 Jeffrey Scott McIntire, deceased, and of Christian Jeffrey
29 Taylor McIntire, surviving minor child of Jeffrey Scott
30 McIntire, deceased, in the sum of \$1,000,000 upon funds in the
31 State Treasury to the credit of the Department of

1 Transportation and the State Treasurer is directed to pay the
2 same out of such funds in the State Treasury not otherwise
3 appropriated.

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

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8 LEGISLATIVE SUMMARY

9
10 Provides a \$1,000,000 appropriation for the relief of
11 Billie Jo McIntire, as surviving spouse and Personal
12 Representative of the Estate of Jeffrey Scott McIntire,
13 deceased, and Sarah Ellen Megan McIntire and Christian
14 Jeffrey Taylor McIntire, surviving minor children of
15 Jeffrey Scott McIntire, deceased, for the wrongful death
16 of their husband and father, Jeffrey Scott McIntire, as a
17 result of the negligence of the Florida Department of
18 Transportation.
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