

Bill No. SB 8

Amendment No. 2 Barcode 910290

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Finance and Taxation recommended the following substitute for amendment (154570):

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

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

Section 2. The sum of \$1,000,000 is appropriated out of funds in the State Treasury to the credit of the Department of Transportation and not otherwise appropriated to be paid to Billie Jo McIntire, as surviving spouse and Personal Representative of the Estate of Jeffrey Scott McIntire, deceased, and as surviving parent and legal guardian of Sarah Ellen Megan McIntire, surviving minor child of Jeffrey Scott McIntire, deceased, and Christian Jeffrey Taylor McIntire, surviving minor child of Jeffrey Scott McIntire, deceased, as relief for the wrongful death of Jeffrey Scott McIntire.

After payment of fees, costs, and authorized expenses, the proceeds recovered through the passage of this act shall be

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1 apportioned equally between Billie Jo McIntire, surviving  
2 spouse of Jeffrey Scott McIntire, deceased, Sarah Ellen Megan  
3 McIntire, surviving minor child of Jeffrey Scott McIntire,  
4 deceased, and Christian Jeffrey Taylor McIntire, surviving  
5 minor child of Jeffrey Scott McIntire, deceased, pursuant to  
6 the terms of the stipulated settlement agreement.

7 Section 3. The Comptroller is directed to draw a  
8 warrant in favor of Billie Jo McIntire, as surviving spouse  
9 and Personal Representative of the Estate of Jeffrey Scott  
10 McIntire, deceased, and as surviving parent and legal guardian  
11 of Sarah Ellen Megan McIntire, surviving minor child of  
12 Jeffrey Scott McIntire, deceased, and of Christian Jeffrey  
13 Taylor McIntire, surviving minor child of Jeffrey Scott  
14 McIntire, deceased, in the sum of \$1,000,000 upon funds in the  
15 State Treasury to the credit of the Department of  
16 Transportation and the State Treasurer is directed to pay the  
17 same out of such funds in the State Treasury not otherwise  
18 appropriated.

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

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

24 And the title is amended as follows:

25 Delete everything before the enacting clause

26

27 and insert:

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A bill to be entitled

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An act for the relief of Billie Jo McIntire;

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providing an appropriation to compensate Billie

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Jo McIntire, as surviving spouse and Personal

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1 Representative of the Estate of Jeffrey Scott  
2 McIntire, deceased, and Sarah Ellen Megan  
3 McIntire and Christian Jeffrey Taylor McIntire,  
4 surviving minor children of Jeffrey Scott  
5 McIntire, deceased, for the wrongful death of  
6 their husband and father, Jeffrey Scott  
7 McIntire, as a result of the negligence of the  
8 Florida Department of Transportation; providing  
9 an effective date.

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

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

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

24 WHEREAS, it had rained recently and the roadway was  
25 wet, which caused the department's employee to negligently  
26 lose control of his vehicle and cross the center line into the  
27 path of Jeffrey McIntire's vehicle, and

28 WHEREAS, a severe crash ensued, and Mr. McIntire died  
29 at the scene, and

30 WHEREAS, the Department of Transportation is  
31 responsible for the negligent conduct of its employee, and

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1           WHEREAS, litigation was filed in Okaloosa County for  
2 the wrongful death of Jeffrey McIntire, and claims were  
3 asserted on behalf of Billie Jo McIntire, Sarah McIntire, and  
4 Christian McIntire, and

5           WHEREAS, before trial, the parties agreed to a  
6 stipulated settlement of \$1,200,000, \$200,000 of which has  
7 been paid and the \$1,000,000 balance is to be pursued through  
8 the filing of a claim bill, and

9           WHEREAS, the terms of the settlement agreement  
10 stipulate that any sums recovered through the passage of a  
11 claim bill shall be apportioned equally between Billie Jo  
12 McIntire, as surviving spouse and Personal Representative of  
13 the Estate of Jeffrey Scott McIntire, deceased, Sarah Ellen  
14 Megan McIntire, surviving minor child of Jeffrey Scott  
15 McIntire, deceased, and Christian Jeffrey Taylor McIntire,  
16 surviving minor child of Jeffrey Scott McIntire, deceased,  
17 with each person receiving one-third of the resulting balance  
18 after payment of fees, costs, and expenses, and

19           WHEREAS, the Department of Transportation affirmatively  
20 supports a claim bill in the amount of \$1,000,000, NOW,  
21 THEREFORE,

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