

By Senator Clary

7-77B-02

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 had rained recently and the roadway was  
29          wet, which caused the department's employee to negligently  
30          lose control of his vehicle and cross the center line into the  
31          path of Jeffrey McIntire's vehicle, and

1           WHEREAS, a severe crash ensued, and Mr. McIntire died  
2 at the scene, and

3           WHEREAS, the Department of Transportation is  
4 responsible for the negligent conduct of its employee, and

5           WHEREAS, litigation was filed in Okaloosa County for  
6 the wrongful death of Jeffrey McIntire, and claims were  
7 asserted on behalf of Billie Jo McIntire, Sarah McIntire, and  
8 Christian McIntire, and

9           WHEREAS, before trial, the parties agreed to a  
10 stipulated settlement of \$1,200,000, of which \$200,000 has  
11 been paid, and the \$1 million balance is to be pursued through  
12 the filing of a claim bill, and

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

23           WHEREAS, the Department of Transportation affirmatively  
24 supports a claim bill in the amount of \$1 million, NOW,  
25 THEREFORE,

26  
27 Be It Enacted by the Legislature of the State of Florida:

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

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1           Section 2. The sum of \$1 million is appropriated from  
2 the General Revenue Fund to the Department of Transportation  
3 for the relief of Billie Jo McIntire as surviving spouse and  
4 Personal Representative of the Estate of Jeffrey Scott  
5 McIntire, deceased, and as surviving parent and legal guardian  
6 of Sarah Ellen Megan McIntire, surviving minor child of  
7 Jeffrey Scott McIntire, deceased, and Christian Jeffrey Taylor  
8 McIntire, surviving minor child of Jeffrey Scott McIntire,  
9 deceased, as relief for the wrongful death of Jeffrey Scott  
10 McIntire. After payment of statutory attorney's fees, costs,  
11 and authorized expenses, the proceeds recovered through the  
12 passage of this act shall be apportioned equally between  
13 Billie Jo McIntire, surviving spouse of Jeffrey Scott  
14 McIntire, deceased, Sarah Ellen Megan McIntire, surviving  
15 minor child of Jeffrey Scott McIntire, deceased, and Christian  
16 Jeffrey Taylor McIntire, surviving minor child of Jeffrey  
17 Scott McIntire, deceased, pursuant to the terms of the  
18 stipulated settlement agreement.

19           Section 3. The Comptroller is directed to draw his  
20 warrant in favor of Billie Jo McIntire, as surviving spouse  
21 and Personal Representative of the Estate of Jeffrey Scott  
22 McIntire, deceased, and as surviving parent and legal guardian  
23 of Sarah Ellen Megan McIntire, surviving minor child of  
24 Jeffrey Scott McIntire, deceased, and of Christian Jeffrey  
25 Taylor McIntire, surviving minor child of Jeffrey Scott  
26 McIntire, deceased, in the sum of \$1 million upon funds of the  
27 Department of Transportation in the State Treasury, and the  
28 State Treasurer is directed to pay the same out of such funds  
29 in the State Treasury.

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

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SENATE SUMMARY

Provides for the relief of Billie Jo McIntire, Sarah  
Ellen Megan McIntire, and Christian Jeffrey Taylor  
McIntire for the wrongful death of Jeffrey Scott  
McIntire.