

CHAMBER ACTION

1 The Committee on Judiciary recommends the following:

2
3 **Committee Substitute**

4 Remove the entire bill and insert:

5
6 A bill to be entitled

7 An act for the relief of Stephen Hall; providing an
8 appropriation to compensate him for injuries sustained as
9 a result of the negligence of an employee of the
10 Department of Transportation; providing an effective date.

11
12 WHEREAS, on June 30, 1997, Stephen Hall was a passenger in
13 a vehicle driven by his father, Edward Hall, traveling westbound
14 on State Road 500 in Brevard County, Florida, and

15 WHEREAS, David Eaker, an employee of the Department of
16 Transportation, was stopped on the north shoulder of State Road
17 500, headed in the same direction as the Hall vehicle, and

18 WHEREAS, as the Hall vehicle approached his vehicle, David
19 Eaker pulled into the path of the Hall vehicle, resulting in a
20 collision between the two vehicles, and

21 WHEREAS, Stephen Hall was injured and was transported by
22 ambulance to Holmes Regional Medical Center in Melbourne, where
23 he was treated for multiple traumatic injuries, including

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24 | multiple facial fractures and lacerations; multiple intra-oral
25 | mucosal lacerations; and orthopedic injuries to his right arm
26 | and shoulder, neck, and both knees, and

27 | WHEREAS, as a result of the injuries, Stephen Hall was
28 | subjected to multiple surgeries and physical therapy, will
29 | likely need additional surgery for the injuries in the future,
30 | missed 2 years of school, has suffered from mood swings and
31 | depression, and has permanent facial disfigurement and
32 | continuing problems as a result of the injuries, and

33 | WHEREAS, Stephen Hall's medical expenses total \$51,586.81
34 | to date, and

35 | WHEREAS, David Eaker was determined to be at fault and was
36 | charged with failure to yield the right-of-way, and

37 | WHEREAS, the Halls filed suit in the Eighteenth Judicial
38 | Circuit, in and for Brevard County, against the Department of
39 | Transportation in case number 05-2001-CA-006293, and

40 | WHEREAS, the parties mediated the case and reached a
41 | settlement of all claims, and

42 | WHEREAS, the parties entered into a settlement agreement in
43 | which the Department of Transportation admitted liability and
44 | agreed to the entry of a consent judgment in the amount of
45 | \$500,000, and

46 | WHEREAS, the Department of Transportation has previously
47 | paid \$112,000 to the claimant and agreed to affirmatively
48 | support a claim bill in the amount of \$388,000, NOW, THEREFORE,

49 |

50 | Be It Enacted by the Legislature of the State of Florida:

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

54 Section 2. The Executive Office of the Governor is
55 directed to establish spending authority from unappropriated
56 trust fund balances in the Department of Transportation in the
57 amount of \$388,000 to a new category titled "Relief: Stephen
58 Hall" as relief for injuries and damages sustained, which amount
59 includes attorney's fees and costs.

60 Section 3. The Chief Financial Officer is directed to draw
61 a warrant, pursuant to the Stipulated Settlement Agreement
62 executed by the Department of Transportation and Stephen Hall,
63 in the sum of \$388,000, upon funds of the Department of
64 Transportation in the State Treasury, and the Chief Financial
65 Officer is directed to pay the same out of funds in the State
66 Treasury.

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