

1 A bill to be entitled
 2 An act for the relief of Stephen Hall; providing an
 3 appropriation to compensate him for injuries sustained as
 4 a result of the negligence of an employee of the
 5 Department of Transportation; providing an effective date.

6
 7 WHEREAS, on June 30, 1997, Stephen Hall was a passenger in
 8 a vehicle driven by his father, Edward Hall, traveling westbound
 9 on State Road 500 in Brevard County, Florida, and

10 WHEREAS, David Eaker, an employee of the Department of
 11 Transportation, was stopped on the north shoulder of State Road
 12 500, headed in the same direction as the Hall vehicle, and

13 WHEREAS, as the Hall vehicle approached his vehicle, David
 14 Eaker pulled into the path of the Hall vehicle, resulting in a
 15 collision between the two vehicles, and

16 WHEREAS, Stephen Hall was injured and was transported by
 17 ambulance to Holmes Regional Medical Center in Melbourne, where
 18 he was treated for multiple traumatic injuries, including
 19 multiple facial fractures and lacerations; multiple intra-oral
 20 mucosal lacerations; and orthopedic injuries to his right arm
 21 and shoulder, neck, and both knees, and

22 WHEREAS, as a result of the injuries, Stephen Hall was
 23 subjected to multiple surgeries and physical therapy, will
 24 likely need additional surgery for the injuries in the future,
 25 missed 2 years of school, has suffered from mood swings and
 26 depression, and has permanent facial disfigurement and
 27 continuing problems as a result of the injuries, and

28 WHEREAS, Stephen Hall's medical expenses total \$51,586.81

29 | to date, and

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

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

35 | WHEREAS, the parties mediated the case and reached a
36 | settlement of all claims, and

37 | WHEREAS, the parties entered into a settlement agreement in
38 | which the Department of Transportation admitted liability and
39 | agreed to the entry of a consent judgment in the amount of
40 | \$500,000, and

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

44 |
45 | Be It Enacted by the Legislature of the State of Florida:

46 |
47 | Section 1. The facts stated in the preamble to this act
48 | are found and declared to be true.

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

55 | Section 3. The Chief Financial Officer is directed to draw
56 | a warrant, pursuant to the Stipulated Settlement Agreement

HB 1405

2005

57 executed by the Department of Transportation and Stephen Hall,
58 in the sum of \$388,000, upon funds of the Department of
59 Transportation in the State Treasury, and the Chief Financial
60 Officer is directed to pay the same out of funds in the State
61 Treasury.

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