

By Senator Hill

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1 A bill to be entitled

2 An act relating to the Department of Transportation;
3 providing for the relief of Stephen Hall to compensate him
4 for injuries sustained as a result of the negligence of an
5 employee of the department; providing an appropriation;
6 providing a limitation on the payment of fees and costs;
7 providing an effective date.

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

12 WHEREAS, David Eaker, an employee of the Department of
13 Transportation, was stopped on the north shoulder of State Road
14 500, headed in the same direction as the Hall vehicle, and

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

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

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

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30 WHEREAS, Stephen Hall's medical expenses total \$51,586.81 to
31 date, and

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

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

37 WHEREAS, the parties mediated the case and reached a
38 settlement of all claims, and

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

43 WHEREAS, the department has previously paid \$112,000 to the
44 claimant and agreed to affirmatively support a claim bill in the
45 amount of \$388,000, NOW, THEREFORE,

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

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

51 Section 2. The sum of \$388,000 is appropriated from the
52 General Revenue Fund to the Department of Transportation for the
53 relief of Stephen Hall for injuries and damages sustained.

54 Section 3. The Chief Financial Officer is directed to draw
55 a warrant in favor of Stephen Hall in the sum of \$388,000, upon
56 funds of the Department of Transportation, and to pay the same to
57 Stephen Hall out of funds in the State Treasury.

58 Section 4. This award is intended to provide the sole

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59 compensation for all present and future claims arising out of the
60 factual situation described in this act which resulted in injury
61 to Stephen Hall. The total amount paid for attorney's fees,
62 lobbying fees, costs, and other similar expenses relating to this
63 claim may not exceed 25 percent of the amount awarded under this
64 act.

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