

HB 667

2009

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

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9 WHEREAS, on June 30, 1997, Stephen Hall was a passenger in
10 a vehicle driven by his father, Edward Hall, traveling westbound
11 on 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
23 and 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
26 likely need additional surgery for the injuries in the future,
27 missed 2 years of school, has suffered from mood swings and
28 depression, and has permanent facial disfigurement and

29 continuing problems as a result of the injuries, and

30 WHEREAS, Stephen Hall's medical expenses total \$51,586.81
31 to 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 of Transportation has previously
44 paid \$112,000 to the claimant and agreed to affirmatively
45 support a claim bill in the 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
50 are found and declared to be true.

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

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

64 Section 4. Any amount awarded under this act pursuant to
65 the waiver of sovereign immunity permitted under s. 768.28,
66 Florida Statutes, and this award is intended to provide the sole
67 compensation for all present and future claims arising out of
68 the factual situation described in the preamble to this act
69 which resulted in the injury to Stephen Hall. The total amount
70 paid for attorney's fees, lobbying fees, costs, and other
71 similar expenses relating to this claim may not exceed 25
72 percent of the amount awarded under section 2.

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