

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

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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,

46

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.