



511738

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/16/2016	.	
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	.	
	.	

The Committee on Judiciary (Simpson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

Section 2. The sum of \$1.75 million is appropriated from the General Revenue Fund to the Department of Highway Safety and Motor Vehicles for the relief of the Estate of Danielle Maudsley for injuries and damages sustained as a result of the death of Danielle Maudsley.



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12 Section 3. The Chief Financial Officer is directed to draw
13 a warrant in favor of the Estate of Danielle Maudsley in the sum
14 of \$1.75 million minus payments required to satisfy outstanding
15 Medicaid liens relating to the medical expenses and care of
16 Danielle Maudsley upon funds of the Department of Highway Safety
17 and Motor Vehicles in the State Treasury and to pay the same out
18 of such funds in the State Treasury.

19 Section 4. The amount paid by the Division of Risk
20 Management of the Department of Financial Services in accordance
21 with the statutory limits of liability set forth in s. 768.28,
22 Florida Statutes, and the amount awarded under this act are
23 intended to provide the sole compensation for all present and
24 future claims arising out of the factual situation described in
25 this act which resulted in the death of Ms. Maudsley. The total
26 amount paid for attorney fees, lobbying fees, costs, and similar
27 expenses relating to this claim may not exceed 25 percent of the
28 amount awarded under this act.

29 Section 5. This act shall take effect July 1, 2016.

30
31 ===== T I T L E A M E N D M E N T =====

32 And the title is amended as follows:

33 Delete everything before the enacting clause
34 and insert:

35 A bill to be entitled
36 An act for the relief of the Estate of Danielle
37 Maudsley; providing for an appropriation to compensate
38 the Estate of Danielle Maudsley for Ms. Maudsley's
39 death, sustained as a result of the alleged negligence
40 of Trooper Daniel Cole and the Florida Highway Patrol,



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41 a division of the Department of Highway Safety and
42 Motor Vehicles; providing that certain payments and
43 the appropriation satisfy all present and future
44 claims related to the alleged acts; providing a
45 limitation on the payment of compensation, fees, and
46 costs; providing an effective date.

47
48 WHEREAS, on September 19, 2011, 20-year old Danielle
49 Maudsley was arrested for nonviolent traffic infractions and was
50 subsequently taken to the Florida Highway Patrol substation in
51 Pinellas Park for processing, and

52 WHEREAS, during the processing, Ms. Maudsley attempted to
53 flee through the side door of the substation, and

54 WHEREAS, as Ms. Maudsley exited the side door of the
55 substation, still handcuffed, Trooper Daniel Cole of the Florida
56 Highway Patrol followed her outside, and

57 WHEREAS, Trooper Cole proceeded to remove his electronic
58 control device and fired it directly into Ms. Maudsley's back,
59 causing her to collapse and fall to the parking lot pavement
60 with great physical force and effect, and

61 WHEREAS, as a result of these events, Ms. Maudsley suffered
62 extensive traumatic brain injury and remained in a constant
63 vegetative state until her death on September 15, 2013, and

64 WHEREAS, in May 2015, a settlement agreement was entered
65 into between Julie Goddard, as personal representative of the
66 Estate of Danielle Maudsley, and the Florida Highway Patrol and
67 Trooper Cole to settle all claims arising out of Ms. Maudsley's
68 death, and

69 WHEREAS, the Florida Highway Patrol and Trooper Cole



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70 acknowledged that if this case had gone to trial in the United
71 States District Court for the Middle District of Florida, a jury
72 could reasonably have awarded damages in the amount of \$1.95
73 million to the Estate of Danielle Maudsley, and

74 WHEREAS, the settlement agreement required the Division of
75 Risk Management of the Department of Financial Services to pay
76 \$200,000 to the Estate of Danielle Maudsley in accordance with
77 the statutory limits of liability set forth in s. 768.28,
78 Florida Statutes, and

79 WHEREAS, Ms. Goddard, as personal representative of the
80 Estate of Danielle Maudsley, seeks satisfaction of the remaining
81 balance of the settlement agreement, which is \$1.75 million,
82 NOW, THEREFORE,