

By Senator Negrón

32-00174C-16

201664__

1 A bill to be entitled
2 An act for the relief of the Estate of Danielle
3 Maudsley; providing for an appropriation to compensate
4 the Estate of Danielle Maudsley for Ms. Maudsley's
5 death, sustained as a result of the negligence of
6 Trooper Daniel Cole and the Florida Highway Patrol, a
7 division of the Department of Highway Safety and Motor
8 Vehicles; providing that certain payments and the
9 appropriation satisfy all present and future claims
10 related to the alleged acts; providing a limitation on
11 the payment of compensation, fees, and costs;
12 providing an effective date.

13
14 WHEREAS, on September 19, 2011, 20-year old Danielle
15 Maudsley was arrested for a nonviolent traffic infraction and
16 was subsequently taken to the Florida Highway Patrol substation
17 in Pinellas Park for processing, and

18 WHEREAS, during the processing, Ms. Maudsley attempted to
19 flee through the front door of the substation, and

20 WHEREAS, as Ms. Maudsley exited the front door of the
21 substation, still handcuffed, Trooper Daniel Cole of the Florida
22 Highway Patrol followed her outside, and

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

27 WHEREAS, after Ms. Maudsley fell to the pavement, Trooper
28 Cole failed to call emergency responders in a timely fashion or
29 to otherwise provide necessary medical attention, despite Ms.

32-00174C-16

201664__

30 Maudsley's pleas for assistance in which she stated that she
31 could not get up from the ground, and

32 WHEREAS, Trooper Cole's seizure of Ms. Maudsley amounted to
33 an alleged use of excessive force, and

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

37 WHEREAS, in May 2015, a settlement agreement was entered
38 into between Julie Goddard, as personal representative of the
39 Estate of Danielle Maudsley, and the Florida Highway Patrol and
40 Trooper Cole to settle the claim arising out of Ms. Maudsley's
41 death, and

42 WHEREAS, the Florida Highway Patrol and Trooper Cole
43 acknowledged that if this case had gone to trial in the United
44 States District Court for the Middle District of Florida, a jury
45 could reasonably have awarded damages in the amount of \$1.95
46 million to the Estate of Danielle Maudsley, and

47 WHEREAS, the settlement agreement required the Division of
48 Risk Management of the Department of Financial Services to pay
49 \$200,000 to the Estate of Danielle Maudsley in accordance with
50 the statutory limits of liability set forth in s. 768.28,
51 Florida Statutes, and

52 WHEREAS, Ms. Goddard, as personal representative of the
53 Estate of Danielle Maudsley, seeks satisfaction of the remaining
54 balance of the settlement agreement, which is \$1.75 million,
55 NOW, THEREFORE,

56

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

58

32-00174C-16

201664__

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

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

66 Section 3. The Chief Financial Officer is directed to draw
67 a warrant in favor of the Estate of Danielle Maudsley in the sum
68 of \$1.75 million upon funds of the Department of Highway Safety
69 and Motor Vehicles in the State Treasury and to pay the same out
70 of such funds in the State Treasury.

71 Section 4. The amount paid by the Division of Risk
72 Management of the Department of Financial Services in accordance
73 with the statutory limits of liability set forth in s. 768.28,
74 Florida Statutes, and the amount awarded under this act are
75 intended to provide the sole compensation for all present and
76 future claims arising out of the factual situation described in
77 this act which resulted in the death of Ms. Maudsley. The total
78 amount paid for attorney fees, lobbying fees, costs, and similar
79 expenses relating to this claim may not exceed 25 percent of the
80 amount awarded under this act.

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