

By the Committee on Judiciary; and Senator Negron

590-03691-16

201664c1

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 alleged negligence  
6           of Trooper Daniel Cole and the Florida Highway Patrol,  
7           a division of the Department of Highway Safety and  
8           Motor Vehicles; providing that certain payments and  
9           the appropriation satisfy all present and future  
10          claims related to the alleged acts; providing a  
11          limitation on the payment of compensation, fees, and  
12          costs; providing an effective date.

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

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

20           WHEREAS, as Ms. Maudsley exited the side 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, as a result of these events, Ms. Maudsley suffered  
28          extensive traumatic brain injury and remained in a constant  
29          vegetative state until her death on September 15, 2013, and

30           WHEREAS, in May 2015, a settlement agreement was entered  
31          into between Julie Goddard, as personal representative of the  
32          Estate of Danielle Maudsley, and the Florida Highway Patrol and

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33 Trooper Cole to settle all claims arising out of Ms. Maudsley's  
34 death, and

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

40 WHEREAS, the settlement agreement required the Division of  
41 Risk Management of the Department of Financial Services to pay  
42 \$200,000 to the Estate of Danielle Maudsley in accordance with  
43 the statutory limits of liability set forth in s. 768.28,  
44 Florida Statutes, and

45 WHEREAS, Ms. Goddard, as personal representative of the  
46 Estate of Danielle Maudsley, seeks satisfaction of the remaining  
47 balance of the settlement agreement, which is \$1.75 million,  
48 NOW, THEREFORE,

49  
50 Be It Enacted by the Legislature of the State of Florida:

51  
52 Section 1. The facts stated in the preamble to this act are  
53 found and declared to be true.

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

59 Section 3. The Chief Financial Officer is directed to draw  
60 a warrant in favor of the Estate of Danielle Maudsley in the sum  
61 of \$1.75 million minus payments required to satisfy outstanding

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62 Medicaid liens relating to the medical expenses and care of  
63 Danielle Maudsley upon funds of the Department of Highway Safety  
64 and Motor Vehicles in the State Treasury and to pay the same out  
65 of such funds in the State Treasury.

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

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