

By Senator Jones

35-00177-22

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1 A bill to be entitled
2 An act for the relief of the Estate of Danielle
3 Maudsley; providing an appropriation to compensate the
4 Estate of Danielle Maudsley for Ms. Maudsley's death,
5 sustained as a result of the alleged 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 a limitation on the payment of
9 compensation and attorney fees; providing an effective
10 date.

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

16 WHEREAS, during the processing, Ms. Maudsley, who was still
17 handcuffed, attempted to flee, exiting the substation through a
18 side door, and

19 WHEREAS, as Ms. Maudsley exited the substation, Trooper
20 Daniel Cole of the Florida Highway Patrol followed her outside,
21 and

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

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

29 WHEREAS, in May 2015, a settlement agreement was entered

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30 into between Julie Goddard, as personal representative of the
31 Estate of Danielle Maudsley, and the Florida Highway Patrol and
32 Trooper Cole to settle all claims arising out of Ms. Maudsley's
33 death, and

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

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

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

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

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

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

58 Section 3. The Chief Financial Officer is directed to draw

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59 a warrant payable to the Estate of Danielle Maudsley in the sum
60 of \$1.75 million, minus amounts required to satisfy outstanding
61 Medicaid liens relating to the medical expenses and care of
62 Danielle Maudsley, upon funds of the Department of Highway
63 Safety and Motor Vehicles in the State Treasury and to pay the
64 same out of such funds.

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

74 Section 5. This act shall take effect July 1, 2022.