

By Senator Jones

34-00095-23

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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 for Ms. Maudsley's death as a result of the
5 alleged negligence of Trooper Daniel Cole and the
6 Florida Highway Patrol, a division of the Department
7 of Highway Safety and Motor Vehicles; providing a
8 limitation on the payment of compensation and attorney
9 fees; providing an effective date.

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

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

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

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

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

28 WHEREAS, in May 2015, a settlement agreement was entered
29 into between Julie Goddard, as personal representative of the

34-00095-23

202318__

30 Estate of Danielle Maudsley, and the Florida Highway Patrol and
31 Trooper Cole to settle all claims arising out of Ms. Maudsley's
32 death, and

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

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

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

47

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

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

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

57 Section 3. The Chief Financial Officer is directed to draw
58 a warrant payable to the Estate of Danielle Maudsley in the sum

34-00095-23

202318__

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

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

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