

By Senator Jones

34-00081-25

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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.

10  
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 the substation through a side  
17       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

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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:

49

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 damages sustained as a result of the injuries to Danielle  
56 Maudsley and her subsequent death.

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

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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.