

CHAPTER 98-425

Committee Substitute for Senate Bill No. 2

An act for the relief of David Kelley and the Estate of Alto Kelley; providing an appropriation as compensation for injuries and damages sustained as a result of the negligence of the Department of Transportation; providing an effective date.

WHEREAS, on February 15, 1996, Elizabeth Townsend, an employee of the State of Florida, Department of Transportation, was driving a vehicle owned by the Department of Transportation on Highway 87 in Santa Rosa County, and

WHEREAS, on February 15, 1996, David Kelley was driving a vehicle on Highway 87 in Santa Rosa County in the opposite direction of the vehicle being operated by Elizabeth Townsend, and

WHEREAS, on February 15, 1996, Elizabeth Townsend lost control of the Department of Transportation vehicle she was operating, leaving the right-hand side of Highway 87 and then reentering the roadway into the path of oncoming traffic and the vehicle operated by David Kelley, and

WHEREAS, the Department of Transportation vehicle operated by Elizabeth Townsend struck the vehicle driven by David Kelley, severely injuring him and killing his father, Alto Kelley, who was a passenger in the car, and

WHEREAS, the officer who investigated the accident concluded that Elizabeth Townsend negligently operated her vehicle and caused the accident, and

WHEREAS, Alto Kelley, who was killed in the accident, was survived by two children under the age of 25, his son David and his daughter Katina, and

WHEREAS, both David Kelley and Katina Kelley were financially and emotionally dependent on their father, Alto Kelley, and

WHEREAS, Alto Kelley's daughter, Katina Kelley, lived with her father and was financially supported by her father, and

WHEREAS, Alto Kelley's son, David Kelley, worked with his father in his business and depended on him financially and otherwise for the success of his business, and

WHEREAS, David Kelley suffered severe injuries as a result of the accident, including multiple severe fractures which have left him significantly disabled, and

WHEREAS, David Kelley sustained a distal radius fracture, open ulnar fracture, femoral shaft fracture, bimalleolar fracture of the right ankle, significant separation of flesh from the elbow to the forearm, fractures of the second, third, and fourth ribs, pneumothorax, subcutaneous emphysema, and femoral neck fracture, and

WHEREAS, David Kelley has had numerous corrective surgical procedures and has incurred medical bills in excess of \$100,000, and

WHEREAS, David Kelley will require additional surgeries in the future, including a probable amputation below the left knee due to complications from his ankle injury, and

WHEREAS, David Kelley's wife, Regina Kelley, has lost the companionship, support, and society of her husband, and

WHEREAS, based on the Department of Transportation's liability and the damages sustained by David Kelley, Regina Kelley, and Katina Kelley as a result of the accident, the Department of Transportation and the claimants have reached an agreement to settle this case for the amount of \$1,600,000, and

WHEREAS, the amount of \$200,000 is payable pursuant to section 768.28, Florida Statutes, but the remainder of \$1,400,000 may be paid only pursuant to the passage of this act, NOW, THEREFORE,

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

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

Section 2. The sum of \$1.4 million is appropriated from the State Transportation Trust Fund to the Florida Department of Transportation for the relief of David Kelly and the Estate of Alto Kelly. The Florida Department of Transportation is authorized to disburse and administer the funds pursuant to the Stipulated Settlement Agreement.

Section 3. This act shall take effect July 1, 1998.

Became a law without the Governor's approval April 10, 1998.

Filed in Office Secretary of State April 9, 1998.