

Committee Substitute for Senate Bill No. 14

An act for the relief of Billie Jo McIntire; providing an appropriation to compensate Billie Jo McIntire, as surviving spouse and Personal Representative of the Estate of Jeffrey Scott McIntire, deceased, and Sarah Ellen Megan McIntire and Christian Jeffrey Taylor McIntire, surviving minor children of Jeffrey Scott McIntire, deceased, for the wrongful death of their husband and father, Jeffrey Scott McIntire, as a result of the negligence of the Florida Department of Transportation; providing an effective date.

WHEREAS, on July 17, 1997, Jeffrey McIntire, a Crestview police officer, husband of Billie Jo McIntire, and father of Sarah McIntire, a minor 18 months of age at the time, was traveling home to his family on State Road 10 (Highway 90) in Okaloosa County, Florida, and

WHEREAS, on July 17, 1997, Jeffrey McIntire and his wife, Billie Jo McIntire, were awaiting the birth of their son Christian McIntire, and

WHEREAS, on July 17, 1997, an employee of the Florida Department of Transportation, while operating a departmental vehicle and in performance of his duties with the Department of Transportation, was traveling on State Road 10 (Highway 90) at Mosseyhead, in Okaloosa County, Florida, and

WHEREAS, it had rained recently and the roadway was wet, which caused the department's employee to negligently lose control of his vehicle and cross the center line into the path of Jeffrey McIntire's vehicle, and

WHEREAS, a severe crash ensued, and Mr. McIntire died at the scene, and

WHEREAS, the Department of Transportation is responsible for the negligent conduct of its employee, and

WHEREAS, litigation was filed in Okaloosa County for the wrongful death of Jeffrey McIntire, and claims were asserted on behalf of Billie Jo McIntire, Sarah McIntire, and Christian McIntire, and

WHEREAS, before trial, the parties agreed to a stipulated settlement of \$1,200,000, of which \$200,000 has been paid, and the \$1 million balance is to be pursued through the filing of a claim bill, and

WHEREAS, the terms of the settlement agreement stipulate that any sums recovered through the passage of a claim bill shall be apportioned equally between Billie Jo McIntire, as surviving spouse and Personal Representative of the Estate of Jeffrey Scott McIntire, deceased, Sarah Ellen Megan McIntire, surviving minor child of Jeffrey Scott McIntire, deceased, and Christian Jeffrey Taylor McIntire, surviving minor child of Jeffrey Scott McIntire, deceased, with each person receiving one-third of the resulting balance after payment of fees, costs, and expenses, and

WHEREAS, the Department of Transportation affirmatively supports a claim bill in the amount of \$1 million, 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 Executive Office of the Governor is directed to establish spending authority from unappropriated trust fund balances in the Department of Transportation in the amount of \$1 million to a new category titled "Relief: Billie Jo McIntire" as relief for injuries and damages sustained. After payment of statutory attorney's fees, costs, and authorized expenses, the proceeds recovered through the passage of this act shall be apportioned equally between Billie Jo McIntire, surviving spouse of Jeffrey Scott McIntire, deceased, Sarah Ellen Megan McIntire, surviving minor child of Jeffrey Scott McIntire, deceased, and Christian Jeffrey Taylor McIntire, surviving minor child of Jeffrey Scott McIntire, deceased, pursuant to the terms of the stipulated settlement agreement.

Section 3. The Comptroller is directed to draw his warrant in favor of Billie Jo McIntire, as surviving spouse and Personal Representative of the Estate of Jeffrey Scott McIntire, deceased, and as surviving parent and legal guardian of Sarah Ellen Megan McIntire, surviving minor child of Jeffrey Scott McIntire, deceased, and of Christian Jeffrey Taylor McIntire, surviving minor child of Jeffrey Scott McIntire, deceased, in the sum of \$1 million upon funds of the Department of Transportation in the State Treasury, and the State Treasurer is directed to pay the same out of such funds in the State Treasury.

Section 4. This act shall take effect upon becoming a law.

Approved by the Governor June 5, 2002.

Filed in Office Secretary of State June 5, 2002.