

CHAPTER 2010-234

Senate Bill No. 12

An act for the relief of Stephen Hall; providing an appropriation to compensate Stephen Hall for injuries sustained as a result of the negligence of an employee of the Department of Transportation; providing a limitation of the payment of fees and costs; providing an effective date.

WHEREAS, on June 30, 1997, Stephen Hall was a passenger in a vehicle driven by his father, Edward Hall, traveling westbound on State Road 500 in Brevard County, Florida, and

WHEREAS, David Eaker, an employee of the Department of Transportation, was stopped on the north shoulder of State Road 500, headed in the same direction as the Hall vehicle, and

WHEREAS, as the Hall vehicle approached his vehicle, David Eaker pulled into the path of the Hall vehicle, resulting in a collision between the two vehicles, and

WHEREAS, Stephen Hall was injured and was transported by ambulance to Holmes Regional Medical Center in Melbourne, where he was treated for multiple traumatic injuries, including multiple facial fractures and lacerations; multiple intra-oral mucosal lacerations; and orthopedic injuries to his right arm and shoulder, neck, and both knees, and

WHEREAS, as a result of the injuries, Stephen Hall was subjected to multiple surgeries and physical therapy, will likely need additional surgery for the injuries in the future, missed 2 years of school, has suffered from mood swings and depression, and has permanent facial disfigurement and continuing problems as a result of the injuries, and

WHEREAS, Stephen Hall's medical expenses total \$51,586.81 to date, and

WHEREAS, David Eaker was determined to be at fault and was charged with failure to yield the right-of-way, and

WHEREAS, the Halls filed suit in the Eighteenth Judicial Circuit, in and for Brevard County, against the Department of Transportation in case number 05-2001-CA-006293, and

WHEREAS, the parties mediated the case and reached a settlement of all claims, and

WHEREAS, the parties entered into a settlement agreement in which the Department of Transportation admitted liability and agreed to the entry of a consent judgment in the amount of \$500,000, and

WHEREAS, the Department of Transportation has previously paid \$112,000 to the claimant and agreed to affirmatively support a claim bill in the amount of \$388,000, 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 \$388,000 to a new category titled "Relief: Stephen Hall" as relief for injuries and damages sustained, which amount includes attorney's fees and costs.

Section 3. The Chief Financial Officer is directed to draw a warrant, pursuant to the Stipulated Settlement Agreement executed by the Department of Transportation and Stephen Hall, in the sum of \$388,000, upon funds of the Department of Transportation in the State Treasury, and the Chief Financial Officer is directed to pay the same out of funds in the State Treasury.

Section 4. Any amount awarded under this act pursuant to the waiver of sovereign immunity permitted under s. 768.28, Florida Statutes, and this award are intended to provide the sole compensation for all present and future claims arising out of the factual situation described in the preamble to this act which resulted in the injury to Stephen Hall. The total amount paid for attorney's fees, lobbying fees, costs, and other similar expenses relating to this claim may not exceed 25 percent of the amount awarded under section 2.

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

Approved by the Governor April 30, 2010.

Filed in Office Secretary of State April 30, 2010.