

By Senator Gibson

6-00038-17

201732\_\_

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 of Danielle Maudsley for Ms. Maudsley's death,  
5 sustained as a result of the alleged negligence of  
6 Trooper Daniel Cole and the Florida Highway Patrol, a  
7 division of the Department of Highway Safety and Motor  
8 Vehicles; providing that certain payments and the  
9 appropriation satisfy all present and future claims  
10 related to the alleged acts; providing a limitation on  
11 the payment of compensation, fees, and costs;  
12 providing an effective date.

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

18 WHEREAS, during the processing, Ms. Maudsley, who was still  
19 handcuffed, attempted to flee, exiting the substation through a  
20 side door, and

21 WHEREAS, as Ms. Maudsley exited the substation, Trooper  
22 Daniel Cole of the Florida Highway Patrol followed her outside,  
23 and

24 WHEREAS, Trooper Cole proceeded to remove his electronic  
25 control device and fired it directly into Ms. Maudsley's back,  
26 causing her to collapse and fall to the parking lot pavement  
27 with great physical force and effect, and

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

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

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33 Estate of Danielle Maudsley, and the Florida Highway Patrol and  
34 Trooper Cole to settle all claims arising out of Ms. Maudsley's  
35 death, and

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

41 WHEREAS, the settlement agreement required the Division of  
42 Risk Management of the Department of Financial Services to pay  
43 \$200,000 to the Estate of Danielle Maudsley in accordance with  
44 the statutory limits of liability set forth in s. 768.28,  
45 Florida Statutes, and

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

50

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

52

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

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

60 Section 3. The Chief Financial Officer is directed to draw  
61 a warrant in favor of the Estate of Danielle Maudsley in the sum

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

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

77 Section 5. This act shall take effect July 1, 2017.