

By Senator Gibson

6-00138-19

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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 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 attorney fees; providing an effective
12 date.

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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

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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
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,

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

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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

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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
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 Danielle Maudsley. The
74 total amount paid for attorney fees relating to this claim may
75 not exceed 25 percent of the amount awarded under this act.

76 Section 5. This act shall take effect July 1, 2019.