

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

ANGEL DONATO PEREZ, A MINOR, BY
AND THROUGH HIS PARENTS AND
NATURAL GUARDIANS, ELVIRA TORRES
AND CARLOS L. PEREZ; AND ELVIRA
TORRES AND CARLOS L. PEREZ,
INDIVIDUALLY,

Petitioners,

vs.

Case No. 09-1005N

FLORIDA BIRTH-RELATED
NEUROLOGICAL INJURY COMPENSATION
ASSOCIATION,

Respondent.

_____ /

FINAL ORDER APPROVING STIPULATION

This cause came on for consideration upon the Stipulation Pertaining to Lump Sum Payment for Bathroom and/or Handicap Modifications of Dwelling (Stipulation), filed with the Division of Administrative Hearings on March 18, 2019, by Petitioners, Elvira Torres and Carlos L. Perez, and Respondent, Florida Birth-Related Neurological Injury Compensation Association.

Petitioners and Respondent have come to an agreement regarding a claim filed by Petitioners for bathroom and/or handicap modifications. They have agreed as follows:

Respondent agrees to pay Petitioner(s)
\$30,000.00 as a one-time only, lump sum
payment for any and all bathroom and/or

handicap modifications forever required for any residence.

Petitioner(s) agree(s) and accept(s) this one-time payment as a full and final payment towards bathroom and/or handicap modifications to his/her/their current house located at 30027 Southwest 148th Place, Homestead, Florida 33033, and agrees that said payment precludes Petitioners' entitlement to any future payment from NICA for bathroom and/or handicap modifications for this house or any other house purchased, built or rented or lived in by Petitioner(s) in the future. Should Petitioner(s) elect to move or have any other modifications performed to his/her/their current home, or any other home purchased, built, rented or lived in by Petitioner(s), any future modifications will be solely at Petitioners' expense.

After due consideration of the interests of the parties, and being otherwise fully advised in the premises, it is

ORDERED:

1. Petitioners and Respondent's Stipulation is approved.
2. The parties shall abide by the terms of the Stipulation.

DONE AND ORDERED this 22nd day of March, 2019, in Tallahassee, Leon County, Florida.



TODD P. RESAVAGE
Administrative Law Judge
Division of Administrative Hearings
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Filed with the Clerk of the
Division of Administrative Hearings
this 22nd day of March, 2019.

COPIES FURNISHED:
(via certified mail)

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NOTICE OF RIGHT TO JUDICIAL REVIEW

Review of a final order of an administrative law judge shall be by appeal to the District Court of Appeal pursuant to section 766.311(1), Florida Statutes. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing the original notice of administrative appeal with the agency clerk of the Division of Administrative Hearings within 30 days of rendition of the order to be reviewed, and a copy, accompanied by filing fees prescribed by law, with the clerk of the appropriate District Court of Appeal. See § 766.311(1), Fla. Stat., and Fla. Birth-Related Neurological Injury Comp. Ass'n v. Carreras, 598 So. 2d 299 (Fla. 1st DCA 1992).