

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

CINDY SMITH AND JEFFREY SMITH,
INDIVIDUALLY AND AS PARENTS AND NEXT
FRIENDS FOR ABIGAIL SMITH, A MINOR,

Petitioners,

vs.

Case No. 09-4149N

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 January 11, 2021, by Petitioners, Cindy and Jeffrey Smith, 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 to Petitioners \$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.

Petitioners agrees [sic] and accept this onetime payment as a full and final payment towards bathroom and/or handicap modifications to their current house located at 501 Shady Pine Court, Minneola, Florida 34715 and agrees [sic] that said

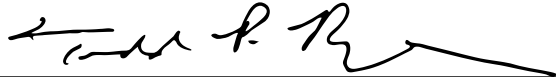
payment precludes Petitioner's [sic] entitlement to any future payment from NICA for bathroom and/or handicap modifications for this house or any other house purchased, built or rented or lived in by Petitioners in the future. Should Petitioners elect to move or have any other modifications performed to their current home, or any other home purchased, built, rented, or lived in by Petitioners, any future modifications will be solely at Petitioner's [sic] expense.

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

ORDERED:

1. The Stipulation is approved.
2. The parties shall abide by the terms of the Stipulation.

DONE AND ORDERED this 21th day of January, 2021, in Tallahassee, Leon County, Florida.



TODD P. RESAVAGE
Administrative Law Judge
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(850) 488-9675
www.doah.state.fl.us

Filed with the Clerk of the
Division of Administrative Hearings
this 21th day of January, 2021.

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).