

By Representative Siplin

1                                   A bill to be entitled  
2           An act relating to Halifax Hospital Medical  
3           Center, a special taxing district in Volusia  
4           County d/b/a Halifax Medical Center; providing  
5           for the relief of Steven Mitchell; authorizing  
6           and directing Halifax Hospital Medical Center  
7           to compensate Steven Mitchell for personal  
8           injuries that he suffered while at Halifax  
9           Medical Center; providing an effective date.

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11           WHEREAS, on March 8, 1995, Steven Mitchell, who had  
12           traveled from his home in Nashville, Tennessee, to Daytona  
13           Beach to attend Bike Week, was riding his Harley Davidson  
14           motorcycle northbound on County Road 415 in West Volusia  
15           County when a motorist pulled out of a side road immediately  
16           into Steven Mitchell's path, causing an accident, and

17           WHEREAS, following the accident of March 8, 1995,  
18           emergency medical personnel stabilized Steven Mitchell's neck  
19           appropriately and transported him to Halifax Medical Center's  
20           emergency room, where he was diagnosed incorrectly, discharged  
21           prematurely, and left on a gurney in a hallway of the  
22           emergency room for hours until some friends could pick him up,  
23           and

24           WHEREAS, when his friends picked him up, they found him  
25           unable to control his arms in a meaningful way and, after they  
26           protested that it was inappropriate to discharge him, medical  
27           personnel nevertheless discharged him without an evaluation  
28           and without due care, and

29           WHEREAS, by the next day, Mr. Mitchell was experiencing  
30           respiratory problems and severe pain and could not move his  
31           legs, and

1           WHEREAS, after he was subsequently readmitted to the  
2 emergency department, it was immediately determined that his  
3 spinal cord had been damaged so as to cause quadriplegia, and

4           WHEREAS, Steven Mitchell currently resides in Tennessee  
5 and is in need of significant care and medical equipment and  
6 24-hour-a-day attendant care, and

7           WHEREAS, a lawsuit was filed against the Halifax  
8 Hospital Medical Center, alleging that the negligence of  
9 hospital employees caused the injuries to Steven Mitchell, and

10           WHEREAS, after years of litigation but prior to trial,  
11 the parties to this action began settlement negotiations in an  
12 effort to resolve this matter, and

13           WHEREAS, the parties have reached an agreement whereby  
14 the Halifax Hospital Medical Center would pay a total of  
15 \$2,500,000 to resolve this claim, and

16           WHEREAS, pursuant to the agreement and in accordance  
17 with the limits set forth in section 768.28, Florida Statutes,  
18 the Halifax Hospital Medical Center has paid Steven Mitchell  
19 \$200,000, leaving a total of \$2,300,000 to be paid pursuant to  
20 a claim bill, NOW, THEREFORE,

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

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

26           Section 2. Halifax Hospital Medical Center, a special  
27 taxing district in Volusia County d/b/a Halifax Medical  
28 Center, is authorized and directed to appropriate from funds  
29 of the medical center not otherwise appropriated to compensate  
30 Steven Mitchell for injuries and damages he sustained as a  
31 result of the negligence of employees of Halifax Medical

1 Center and to draw a warrant payable to the trustee for the  
2 special needs trust created for the benefit of Steven Mitchell  
3 in the amount of \$50,000 and to pay the trustee for the  
4 special needs trust fund created for the benefit of Steven  
5 Mitchell a sum of \$15,000 per month for the rest of Steven  
6 Mitchell's life; and to draw a warrant in the amount of  
7 \$825,000, of which \$200,000 is for reimbursement of the law  
8 firm of Searcy, Denney, Scarola, Barnhart and Shipley, P.A.,  
9 Steven Mitchell's attorneys, for costs incurred by the firm,  
10 and \$625,000 is for compensation of the law firm of Searcy,  
11 Denney, Scarola, Barnhart, and Shipley, P.A., for professional  
12 fees incurred by Steven Mitchell in litigation on this claim.

13           Section 3. This act shall take effect upon becoming a  
14 law.

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