

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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4		.	

ORIGINAL STAMP BELOW

The Committee on Claims offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause

and insert:

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

Section 2. Halifax Hospital Medical Center, a special taxing district in Volusia County d/b/a Halifax Medical Center, is authorized and directed to appropriate from funds of the medical center not otherwise appropriated and to draw warrants payable as follows:

(1) To Steven Mitchell in the amount of \$15,000 per month into a Special Needs Trust for the remainder of his life to compensate him for injuries and damages he sustained, which will be administered based upon his needs;

(2) To Steven Mitchell in the amount of \$50,000 into the Special Needs Trust;

(3) To claimant's attorneys, Searcy, Denney, Scarola, Barnhart & Shipley, P.A., in the amount of \$625,000 as payment

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1 of attorney's fees; and

2 (4) To claimant's attorneys in the amount of \$200,000
3 as payment of costs incurred.

4 Section 3. This act shall take effect upon becoming a
5 law.

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8 ===== T I T L E A M E N D M E N T =====

9 And the title is amended as follows:

10 remove: the entire title

11

12 and insert:

13 An act relating to Halifax Hospital Medical
14 Center, a special taxing district in Volusia
15 County d/b/a Halifax Medical Center; providing
16 for the relief of Steven Mitchell; authorizing
17 and directing Halifax Hospital Medical Center
18 to compensate Mr. Mitchell for personal
19 injuries that he suffered while at Halifax
20 Medical Center; providing an effective date.

21

22 WHEREAS, on March 8, 1995, Steven Mitchell, who had
23 traveled from his home in Nashville, Tennessee, to Daytona
24 Beach, was riding his motorcycle northbound on County Road 415
25 in West Volusia County when a motorist pulled out of a side
26 road immediately into Mr. Mitchell's path, causing an
27 accident, and

28 WHEREAS, emergency medical personnel stabilized Mr.
29 Mitchell's neck appropriately and transported him to Halifax
30 Hospital's emergency room, where he was diagnosed, treated,
31 and released, and

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1 WHEREAS, by the next day, Mr. Mitchell was experiencing
2 respiratory problems and severe pain and could not move his
3 legs, and

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

7 WHEREAS, Steven Mitchell currently resides in Tennessee
8 and is in need of significant care and medical equipment and
9 24-hour-a-day attendant care, and

10 WHEREAS, a lawsuit was filed against the Halifax
11 Hospital Medical Center, alleging that the negligence of
12 hospital employees caused or contributed to the injuries to
13 Steven Mitchell, and

14 WHEREAS, after years of litigation but prior to trial,
15 the parties began settlement negotiations in an effort to
16 resolve this matter, and

17 WHEREAS, the parties have reached an agreement whereby
18 the Halifax Hospital Medical Center would pay a sum that has a
19 present total value of \$2,500,000 to resolve this claim, and

20 WHEREAS, the agreement between the parties has been
21 reviewed and approved by the circuit court, and

22 WHEREAS, pursuant to the agreement and in accordance
23 with the limits set forth in section 768.28, Florida Statutes,
24 the Halifax Hospital Medical Center has paid Steven Mitchell
25 and his emancipated daughter \$200,000, leaving a total of
26 \$2,300,000 to be paid pursuant to a claim bill, NOW,

27 THEREFORE,
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