

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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