

By Senator Crist

13-155A-02

1                                   A bill to be entitled  
2           An act relating to Hillsborough County;  
3           providing for the relief of James T. Edwards;  
4           providing an appropriation to compensate him  
5           for injuries caused by the negligence of  
6           Hillsborough County; providing an effective  
7           date.

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9           WHEREAS, on May 31, 1997, James T. Edwards was partying  
10          with friends, during which time he fell and injured his head  
11          several times while drinking vodka, and

12                 WHEREAS, James T. Edwards' friends placed him in the  
13          bathtub to sober him up and called Hillsborough County EMS,  
14          and

15                 WHEREAS, an operator received the call and, after  
16          hearing that James T. Edwards had been placed in the bathtub  
17          to sober him up, instructed the caller to remove Mr. Edwards  
18          from the tub and place him on a chair, during which time Mr.  
19          Edwards was moving his arms and legs, and

20                 WHEREAS, upon arriving at the scene, EMS personnel  
21          acted contrary to protocol by failing to place Mr. Edwards,  
22          who was in an altered state of consciousness, on a backboard  
23          to immobilize his spine, and

24                 WHEREAS, EMS personnel lifted Mr. Edwards under his  
25          arms and by his feet so that his body dropped in a U-shaped  
26          position and threw him onto a stretcher, rolled him to the  
27          ambulance, and threw him carelessly into the ambulance, and

28                 WHEREAS, at no time at the scene did EMS personnel note  
29          any paralysis or priapism, but rather noted that Mr. Edwards'  
30          extremities were within normal limits, and

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1           WHEREAS, contrary to protocol, Mr. Edwards was taken to  
2 Brandon Hospital rather than to a trauma center, and

3           WHEREAS, at the emergency room, Mr. Edwards was found  
4 to have a priapism and to have suffered a subluxation of his  
5 spine at C6-7 with a complete spinal cord lesion at that  
6 level, resulting in quadriplegia, and

7           WHEREAS, the two EMS personnel have admitted in  
8 depositions that, given his condition, Mr. Edwards' spine  
9 should have been immobilized, and

10           WHEREAS, Dr. Henry E. Smoak, an expert in such  
11 emergency procedures, has concluded that under the given  
12 conditions there was a departure in the standard of care on  
13 behalf of the Hillsborough County EMS, and

14           WHEREAS, as a result of the negligence of the  
15 Hillsborough County EMS, Mr. Edwards suffers from an inability  
16 to walk, bowel and bladder incontinence, impotence, lower back  
17 pain, a decubitus ulcer on the left buttock, a compromised  
18 functioning in both hands, and pinholes on the side of his  
19 tracheotomy, and

20           WHEREAS, a lawsuit was filed and this case was  
21 submitted to an arbitrator to assess the amount of damages,  
22 and the amount of the damages has not been finalized, NOW,  
23 THEREFORE,

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

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

29           Section 2. The Board of Commissioners of Hillsborough  
30 County is authorized and directed to appropriate from funds of  
31 the county not otherwise appropriated and to draw a warrant in

1 the total amount of \$8 million, which amount includes  
2 statutory attorney's fees and costs, payable to James T.  
3 Edwards to compensate him for injuries and damages sustained  
4 as a result of the negligence of EMS personnel of Hillsborough  
5 County.

6 Section 3. This act shall take effect upon becoming a  
7 law.

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