

STORAGE NAME: h0817.ju  
DATE: March 7, 2003

Florida House of Representatives  
Subcommittee on Claims  
Summary Claim Bill Report

Bill #: HB 817  
Sponsor: Rep. Sansom  
Companion Bill: SB 30 by Senator Crist  
Special Master: Stephanie Birtman, Esq.

**A. Basic Information:**

1. **Claimants:** James T. Edwards
2. **Respondent:** Hillsborough County
3. **Amount Requested:** \$2.4 million to be paid out of reserves from the county's self-insured funds.
4. **Type of Claim:** Equitable, based on a settlement agreement.
5. **Respondent's Position:** Agreed not to oppose the claim bill and to actively participate in the process.
6. **Collateral Sources:** Medicaid has an admitted balance due of \$198,186.73. The claimant also receives Social Security payments of \$565 per month.
7. **Prior Legislative History:** SB 70 (2002) was recommended unfavorably by the Senate Special Master as all judicial remedies had not been exhausted at that time. HB 637 (2002) was withdrawn prior to introduction.
8. **Attorney's Fees and Costs:** Limited to 25% of the settlement agreement as provided by s. 768.28, F.S.; costs total \$29,011.01, not including lobbying fees.

**B. Procedural Summary:** The claimant sued Hillsborough County in 1998 alleging negligence; a jury trial was scheduled for August 5, 2002. On June 5, 2002, the parties entered into a settlement agreement whereby the County would pay Mr. Edwards a total of \$2.5 million. The County has already paid \$100,000 pursuant to Florida Statute section 768.28.

**C. Facts of Case:** Mr. Edwards was intoxicated and fell, hitting his head. In an effort to sober him up, his friends placed him in a bathtub, where he passed in and out of consciousness. A friend called 911; the 911 operator asked the friend whether she could get Mr. Edwards out of the bathtub; the friend interpreted this to mean that she should get him out, and did so. At this point Mr. Edwards' arms and legs were still moving. Upon arrival, the paramedics did not immobilize Mr. Edwards' spine and head in contravention of the Standing Orders and Protocols which state that intoxication, head trauma, and a Glasgow Coma score of less than 13 dictate that the head and spine should be immobilized. Mr. Edwards scored a 9 on the Glasgow Coma Scale, was clearly intoxicated, and had visible head trauma. Standing Orders also dictated that Mr. Edwards be taken to a trauma center; he was taken to a local hospital without a trauma center. Mr. Edwards subsequently was transported via helicopter to Tampa General's trauma center. Mr. Edwards is now permanently paralyzed from the waist down.

SM: \_\_\_\_\_  
Stephanie O. Birtman

Date: \_\_\_\_\_