

HB 481

2008

1                   A bill to be entitled  
2           An act for the relief of Rhonda A. Hughes by Escambia  
3           County; providing for a county appropriation to compensate  
4           Rhonda A. Hughes for injuries sustained as a result of the  
5           negligence of a county employee; providing a limitation on  
6           the payment of attorney's and lobbying fees and costs;  
7           providing an effective date.

8  
9           WHEREAS, at the time of the incident which resulted in her  
10          injury, Rhonda A. Hughes was suffering from an undiagnosed  
11          disease of dysautonomia, a dysfunction of the autonomic nervous  
12          system that can result in such symptoms as vague but disturbing  
13          aches and pains; faintness or even fainting spells; fatigue;  
14          tachycardia; hypotension; sweating; dizziness; blurred vision;  
15          numbness and tingling; and anxiety and depression, and

16          WHEREAS, on September 25, 2002, Ms. Hughes was in a retail  
17          store and started to suffer from confusion, dizziness, blurred  
18          vision, and faintness to such an extent that she sat down on the  
19          floor, and

20          WHEREAS, the store manager called for emergency medical  
21          services and an Escambia County emergency medical services  
22          vehicle was dispatched to Ms. Hughes' location, and

23          WHEREAS, the lead emergency medical technician (EMT) on the  
24          scene concluded that Ms. Hughes was suffering a possible drug  
25          overdose and decided that the proper emergency treatment would  
26          be an injection of naloxone hydrochloride, and

27          WHEREAS, instead of naloxone hydrochloride, the EMT  
28          injected mivacurium chloride, a paralytic agent that caused Ms.

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29 Hughes to struggle for her breath almost to the point of  
30 collapsing into full respiratory arrest, and

31 WHEREAS, approximately 10 minutes elapsed before the EMT  
32 realized that Ms. Hughes was not breathing sufficiently on her  
33 own and started artificial ventilation, causing Ms. Hughes to  
34 suffer from an anoxic brain injury, and

35 WHEREAS, Ms. Hughes filed a lawsuit against Escambia County  
36 alleging that the EMT was negligent and that the county was  
37 responsible for the EMT's actions, and the county in its answer  
38 to the complaint admitted liability for the EMT's negligent  
39 actions, and

40 WHEREAS, the encephalopathy resulting from the anoxic brain  
41 injury caused Ms. Hughes to have a loss of cognitive function  
42 including problems with confusion, memory, concentration, and  
43 slowed cognitive processing, and

44 WHEREAS, two neurophysiologists who tested Ms. Hughes agree  
45 that the dysautonomy, which is stable and controlled, would not  
46 cause the type of ongoing cognitive problems that she is  
47 experiencing and support the opinions of Ms. Hughes'  
48 psychiatrist and physician, who specializes in treating  
49 dysautonomia, that her significant cognitive decline is due to  
50 encephalopathy resulting from the EMT's negligence, and

51 WHEREAS, Ms. Hughes' psychiatrist has opined that her loss  
52 of cognitive function will require daily ongoing care and  
53 treatment for the remainder of her life and that the amount of  
54 care and treatment could increase as she ages, and

55 WHEREAS, Escambia County has agreed to submit to a consent  
56 judgment for \$200,000, of which the county will pay \$100,000

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57 pursuant to the limits of liability set forth in s. 768.28,  
 58 Florida Statutes, and for which the payment of the remainder is  
 59 conditioned upon the passage of a claim bill by the Legislature  
 60 in the amount of \$100,000 in favor of Ms. Hughes, NOW,  
 61 THEREFORE,

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

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

67 Section 2. Escambia County is authorized and directed to  
 68 appropriate from county funds not otherwise encumbered and draw  
 69 a warrant in the sum of \$100,000 payable to Rhonda A. Hughes as  
 70 compensation for injuries and damages sustained due to the  
 71 negligence of an employee of the county, as agreed to by the  
 72 parties in a consent judgment.

73 Section 3. Any amount paid by the county pursuant to the  
 74 waiver of sovereign immunity permitted under s. 768.28, Florida  
 75 Statutes, and this award is intended to provide the sole  
 76 compensation for all present and future claims arising out of  
 77 the factual situation described in the preamble to this act  
 78 which resulted in the injury to Rhonda A Hughes. The total  
 79 amount paid for attorney's fees, lobbying fees, costs, and other  
 80 similar expenses relating to this claim may not exceed 25  
 81 percent of the amount awarded under section 2 of this act.

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