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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/28/2017	.	
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The Committee on Judiciary (Montford) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 76 - 95  
and insert:

Section 2. The City of Miami is authorized and directed to appropriate from funds not otherwise encumbered and to draw a warrant in the sum of \$2,300,000 payable to Marilyn Jelks, as legal guardian of Mary Mifflin-Gee. This sum shall be placed in the Special Needs Trust created for the exclusive use and benefit of Mary Mifflin-Gee, to compensate her for injuries and damages sustained as a result of the negligence of employees of



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12 the City of Miami.

13       Section 3. The amount paid by the City of Miami pursuant to  
14 s. 768.28, Florida Statutes, and the amount awarded under this  
15 act are intended to provide the sole compensation for all  
16 present and future claims arising out of the factual situation  
17 described in this act which resulted in injuries and damages to  
18 Mary Mifflin-Gee. The total amount paid for attorney fees  
19 relating to this claim may not exceed 25 percent of the amount  
20 awarded under this act.

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

22 And the title is amended as follows:

23       Delete lines 68 - 70

24 and insert:

25       An act for the relief of Mary Mifflin-Gee by the City  
26       of Miami; providing for an appropriation to compensate  
27       her for injuries and damages sustained as a result of  
28       the negligence of employees of the City of Miami  
29       Department of Fire-Rescue; providing a limitation on  
30       the payment of attorney fees; providing an effective  
31       date.

32  
33       WHEREAS, on October 25, 2012, Mary Mifflin-Gee was in her  
34       vehicle located in a parking lot at 1498 NW 54th Street in Miami  
35       when, according to eyewitness statements, she exhibited seizure-  
36       like symptoms and foamed from the mouth, and

37       WHEREAS, a call was placed to 911, and paramedics Eric  
38       Hough, Marc Alexandre, and Steven Mason of the City of Miami  
39       Department of Fire-Rescue responded to treat Mary Mifflin-Gee,  
40       and



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41           WHEREAS, the fire rescue personnel removed Mary Mifflin-Gee  
42 from her vehicle, and, even though it is a basic Emergency  
43 Medical Technician (EMT) requirement to secure an unconscious  
44 patient to the gurney with the seatbelt, the fire rescue  
45 personnel placed Mary Mifflin-Gee on a gurney without securing  
46 her with the seatbelt and attempted to transfer her into the  
47 ambulance, and

48           WHEREAS, because of the fire personnel's failure to follow  
49 the basic EMT requirement, Mary Mifflin-Gee fell off the gurney  
50 and struck her head and, as a result, suffered a severe  
51 traumatic brain injury, and

52           WHEREAS, Mary Mifflin-Gee was transported to Jackson  
53 Memorial Hospital, where she underwent a left craniectomy and  
54 cranioplasty as well as a posttraumatic hydrocephalus  
55 ventriculoperitoneal shunt placement for her head injury, and

56           WHEREAS, Mary Mifflin-Gee became tracheostomy dependent and  
57 suffered numerous complications, such as dysphagia,  
58 hypertension, anemia of chronic disease, acute renal failure,  
59 respiratory distress, urinary tract infections, rectal bleeding,  
60 and deep vein thrombosis, and

61           WHEREAS, Mary Mifflin-Gee was transferred to Jackson  
62 Memorial Long-Term Care Center, where she now depends on nursing  
63 staff for all daily activities and all levels of care and  
64 remains in a persistent vegetative state, and

65           WHEREAS, Mary Mifflin-Gee was treated by Dr. Craig  
66 Lichtblau, a specialist certified by the American Board of  
67 Physical Medicine and Rehabilitation, who determined that she is  
68 93 percent impaired as a result of the accident in question and  
69 that her future medical care will cost several million dollars,



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70 and

71 WHEREAS, additionally, Mary Mifflin-Gee's past medical  
72 expenses amount to \$1,168,857.93, and

73 WHEREAS, before the accident, Mary Mifflin-Gee lived alone,  
74 had no significant health issues, and was completely  
75 independent, and

76 WHEREAS, Marilyn Jelks, as legal guardian of the person and  
77 property of Mary Mifflin-Gee, filed a claim and lawsuit against  
78 the City of Miami in the Circuit Court of the 11th Judicial  
79 Circuit of Florida, Case No. 13-026644 CA 01, for compensation  
80 for the injuries, alleging negligence in the care and treatment  
81 by the EMT workers who attended to Mary Mifflin-Gee, and

82 WHEREAS, mediation was conducted on February 6, 2015, and  
83 the case was settled for \$2.5 million, and

84 WHEREAS, the insurance company of the City of Miami,  
85 Lloyd's of London, which has a policy that provides for a  
86 \$500,000 self-insured retention before the company is  
87 responsible for any excess amount, has agreed to pay \$2 million,  
88 and

89 WHEREAS, the City of Miami has agreed to pay \$200,000 in  
90 satisfaction of the sovereign immunity limits under s. 768.28,  
91 Florida Statutes, NOW, THEREFORE,