

By Senator Montford

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1 A bill to be entitled

2 An act for the relief of Mary Mifflin-Gee by the City
3 of Miami; providing for an appropriation to compensate
4 her for injuries and damages sustained as a result of
5 the negligence of employees of the City of Miami
6 Department of Fire-Rescue; providing a limitation on
7 the payment of compensation, fees, and costs;
8 providing an effective date.
9

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

14 WHEREAS, a call was placed to 911, and paramedics Eric
15 Hough, Marc Alexandre, and Steven Mason of the City of Miami
16 Department of Fire-Rescue responded to treat Mary Mifflin-Gee,
17 and

18 WHEREAS, the fire rescue personnel removed Mary Mifflin-Gee
19 from her vehicle, and, even though it is a basic Emergency
20 Medical Technician (EMT) requirement to secure an unconscious
21 patient to the gurney with the seatbelt, the fire rescue
22 personnel placed Mary Mifflin-Gee on a gurney without securing
23 her with the seatbelt and attempted to transfer her into the
24 ambulance, and

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

29 WHEREAS, Mary Mifflin-Gee was transported to Jackson
30 Memorial Hospital, where she underwent a left craniectomy and
31 cranioplasty as well as a posttraumatic hydrocephalus
32 ventriculoperitoneal shunt placement for her head injury, and

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33 WHEREAS, Mary Mifflin-Gee became tracheostomy dependent and
34 suffered numerous complications, such as dysphagia,
35 hypertension, anemia of chronic disease, acute renal failure,
36 respiratory distress, urinary tract infections, rectal bleeding,
37 and deep vein thrombosis, and

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

42 WHEREAS, Mary Mifflin-Gee was treated by Dr. Craig
43 Lichtblau, a specialist certified by the American Board of
44 Physical Medicine and Rehabilitation, who determined that she is
45 93 percent impaired as a result of the accident in question and
46 that her future medical care will cost several million dollars,
47 and

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

50 WHEREAS, before the accident, Mary Mifflin-Gee lived alone,
51 had no significant health issues, and was completely
52 independent, and

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

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

61 WHEREAS, the insurance company of the City of Miami,

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62 Lloyd's of London, which has a policy that provides for a
63 \$500,000 self-insured retention before the company is
64 responsible for any excess amount, has agreed to pay \$2 million,
65 and

66 WHEREAS, the City of Miami has agreed to pay \$200,000 in
67 satisfaction of the sovereign immunity limits under s. 768.28,
68 Florida Statutes, and

69 WHEREAS, the amount of \$300,000 of the \$2.5 million
70 settlement remains to be paid, NOW, THEREFORE,

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

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

76 Section 2. The City of Miami is authorized and directed to
77 appropriate from funds not otherwise encumbered and to draw a
78 warrant in the sum of \$300,000 payable to Marilyn Jelks, as
79 legal guardian of Mary Mifflin-Gee. This sum, in addition to the
80 \$200,000 that the City of Miami has agreed to pay in
81 satisfaction of the sovereign immunity limits under s. 768.28,
82 Florida Statutes, and the \$2 million that the insurance company
83 of the City of Miami, Lloyd's of London, has agreed to pay,
84 shall be placed in the guardianship account of Mary Mifflin-Gee,
85 to compensate her for injuries and damages sustained as a result
86 of the negligence of employees of the City of Miami.

87 Section 3. The amount paid by the City of Miami pursuant to
88 s. 768.28, Florida Statutes; the amount paid by Lloyd's of
89 London; and the amount awarded under this act are intended to
90 provide the sole compensation for all present and future claims

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91 arising out of the factual situation described in this act which
92 resulted in injuries and damages to Mary Mifflin-Gee. The total
93 amount paid for attorney fees, lobbying fees, costs, and similar
94 expenses relating to this claim may not exceed 25 percent of the
95 total amount awarded under this act.

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