

ENROLLED

CS/HB 6521

2017 Legislature

1  
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

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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

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,

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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,  
 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, NOW, THEREFORE,

69  
 70 Be It Enacted by the Legislature of the State of Florida:

71  
 72 Section 1. The facts stated in the preamble to this act  
 73 are found and declared to be true.

74 Section 2. The City of Miami is authorized and directed to  
 75 appropriate from funds not otherwise encumbered and to draw a

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76 | warrant in the sum of \$2,300,000 payable to Marilyn Jelks, as  
77 | legal guardian of Mary Mifflin-Gee. This sum shall be placed in  
78 | the Special Needs Trust created for the exclusive use and  
79 | benefit of Mary Mifflin-Gee, to compensate her for injuries and  
80 | damages sustained as a result of the negligence of employees of  
81 | the City of Miami.

82 |       Section 3. The amount paid by the City of Miami pursuant  
83 | to s. 768.28, Florida Statutes, and the amount awarded under  
84 | this act are intended to provide the sole compensation for all  
85 | present and future claims arising out of the factual situation  
86 | described in this act which resulted in injuries and damages to  
87 | Mary Mifflin-Gee. Of the amount awarded under this act, the  
88 | total amount paid for attorney fees may not exceed \$575,000, no  
89 | amount may be paid for lobbying fees, and the total amount paid  
90 | for costs and other similar expenses relating to this claim may  
91 | not exceed \$17,110.39.

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