

By Senator Simmons

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1 A bill to be entitled

2 An act for the relief of Christeia Jones, guardian of
3 Logan Grant, Denard Maybin, Jr., and Lanard Maybin;
4 providing an appropriation to compensate them for
5 injuries and damages sustained as a result of the
6 alleged negligence of Trooper Raul Umana and the
7 Florida Highway Patrol, a division of the Department
8 of Highway Safety and Motor Vehicles; providing that
9 certain payments and the appropriation satisfy all
10 present and future claims related to the alleged acts;
11 providing a limitation on the payment of attorney
12 fees; providing an effective date.

13
14 WHEREAS, shortly before 9:25 p.m. on May 18, 2014, Florida
15 Highway Patrol Trooper Raul Umana attempted to cross through a
16 gap in the median onto the southbound lanes of I-75, south of
17 Ocala, and

18 WHEREAS, Trooper Umana misjudged the turn and his vehicle
19 struck the concrete barrier before shooting out into the
20 southbound lane and striking a car driven by Christeia Jones,
21 and

22 WHEREAS, Christeia Jones was transporting her minor sons,
23 2-year-old Logan Grant, who was secured in a forward-facing
24 infant seat, 7-year-old Denard Maybin, Jr., and 5-year-old
25 Lanard Maybin, in the backseat of the car, and

26 WHEREAS, after being struck by Trooper Umana's vehicle,
27 Christeia Jones's car was struck in the rear by a tractor
28 trailer, and

29 WHEREAS, the impact crushed the trunk and rear seating area

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30 of the car, and

31 WHEREAS, the car was propelled off the road, where it
32 struck a tree and caught fire, and

33 WHEREAS, all three children were transported by helicopter
34 to the University of Florida Health Shands Hospital in
35 Gainesville, and

36 WHEREAS, at the hospital, Logan Grant was diagnosed with a
37 severe traumatic brain injury, extensive facial fractures,
38 pulmonary edema, and respiratory failure, and

39 WHEREAS, Logan Grant remained in the hospital for a month
40 before he was discharged to Brooks Rehabilitation Hospital in
41 Jacksonville for 2 weeks of brain injury rehabilitation, and

42 WHEREAS, Logan Grant continues to receive speech therapy
43 weekly and struggles with expressive and receptive language, and

44 WHEREAS, Logan Grant also exhibits left-side body weakness
45 and behavioral difficulties, and

46 WHEREAS, Logan Grant's past medical bills exceed \$310,000,
47 and Medicaid has asserted a lien of \$135,161.64, and

48 WHEREAS, pediatric physical medicine and rehabilitation
49 specialist Dr. Paul Kornberg has examined Logan Grant and has
50 observed ongoing left hemiparesis with motor, perceptual,
51 communicative, cognitive, and behavioral impairments of a
52 permanent nature which will prevent him from achieving gainful
53 employment, and

54 WHEREAS, Dr. Kornberg reported that Logan Grant is at a
55 high risk for developing seizures in the future, requires
56 ongoing bracing of his left ankle to improve gait, is
57 anticipated to require a scooter for long-distance mobility by
58 the age of 30, is likely to require invasive treatment or

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59 orthopedic surgery in the form of left heel-cord lengthening in
60 the future, and is expected to be unable to live alone as an
61 adult, necessitating guardianship and attendant care, and

62 WHEREAS, Dr. Michael Shahnasarian has estimated Logan
63 Grant's future medical and palliative care needs to be
64 \$6,702,555, and his loss of earning capacity over his lifetime
65 to be between \$1,543,014 and \$2,810,754, and

66 WHEREAS, Lanard Maybin arrived at Shands Hospital with a
67 Glasgow Coma Scale of 7, a head injury, a facial laceration, and
68 a shoulder injury that required surgery, and

69 WHEREAS, a plastic surgeon repaired Lanard Maybin's facial
70 laceration during his stay in the pediatric intensive care unit
71 before he was discharged from the hospital on May 22, 2014, and

72 WHEREAS, since the accident, Lanard Maybin has experienced
73 night terrors, changes in behavior and temperament, and has
74 gained significant weight, and

75 WHEREAS, in early 2019, Dr. Patrick Gorman evaluated Lanard
76 Maybin and diagnosed him as having posttraumatic stress disorder
77 and significant neurocognitive difficulties secondary to
78 traumatic brain injury, and

79 WHEREAS, Lanard Maybin's past medical bills amount to
80 \$35,584.16, and Medicaid has asserted a lien in the amount of
81 \$22,525.66, and

82 WHEREAS, at Shands Hospital, Denard Maybin, Jr., was
83 intubated, was put on mechanical ventilation for a day, and was
84 diagnosed with a severe traumatic brain injury and a
85 subcutaneous soft tissue scalp laceration that required surgery,
86 and

87 WHEREAS, Denard Maybin, Jr., remained hospitalized for 2

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88 weeks before he was transferred to Brooks Rehabilitation Center
89 in Jacksonville for acute inpatient rehabilitation, and

90 WHEREAS, the rehabilitation center noted that Denard
91 Maybin, Jr., had significant cognitive deficits as well as
92 impulsivity and behavioral changes, and

93 WHEREAS, Denard Maybin, Jr., continues to receive
94 occupational therapy, physical therapy, and speech therapy, and

95 WHEREAS, Denard Maybin, Jr.,'s past medical bills exceed
96 \$175,000, and Medicaid has asserted a lien of \$96,833.99, and

97 WHEREAS, specialist Dr. Paul Kornberg has diagnosed Denard
98 Maybin, Jr., with permanent impairment that will prevent him
99 from achieving gainful employment, and

100 WHEREAS, Dr. Kornberg reported that Denard Maybin, Jr., is
101 at a high risk for developing seizures in the future and that he
102 is expected to be unable to live alone as an adult,
103 necessitating guardianship and attendant care, and

104 WHEREAS, Dr. Michael Shahnasarian has estimated Denard
105 Maybin, Jr.,'s future medical and palliative care needs to be
106 \$5,773,129, and his loss of earning capacity over his lifetime
107 to be between \$1,568,817 and \$2,858,577, and

108 WHEREAS, Christeia Jones, as parent and natural guardian of
109 Logan Grant, Denard Maybin, Jr., and Lanard Maybin, through a
110 lawsuit filed in Orange County under case number 2017-CA-00732-
111 O, alleged that the negligence of the Florida Highway Patrol,
112 through its trooper, was the proximate cause of serious injuries
113 to her minor sons, and

114 WHEREAS, Christeia Jones, through a separate lawsuit filed
115 in Orange County under case number 2018-CA-004258-O, alleged
116 that the negligence of the Florida Highway Patrol, through its

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117 trooper, was the proximate cause of her injuries, and

118 WHEREAS, on November 30, 2018, in case number 2017-CA-
119 00732-O, Christeia Jones and the Florida Highway Patrol entered
120 into a settlement agreement regarding the claims of Ms. Jones
121 and her minor sons which arose out of the accident described in
122 this act, including the claims under case number 2018-CA-004258-
123 O, which are to be dismissed with prejudice, and

124 WHEREAS, Christeia Jones and the Florida Highway Patrol
125 acknowledged that if the case had gone to trial, a jury could
126 reasonably have awarded damages to Ms. Jones in the amount of
127 \$18 million, and

128 WHEREAS, the settlement agreement requires the Division of
129 Risk Management of the Department of Financial Services to pay
130 \$285,000 to Christeia Jones in accordance with the statutory
131 limits of liability set forth in s. 768.28, Florida Statutes,
132 and

133 WHEREAS, Christeia Jones seeks satisfaction of the
134 remaining balance of the settlement agreement, which is \$17.715
135 million, NOW, THEREFORE,

136
137 Be It Enacted by the Legislature of the State of Florida:

138
139 Section 1. The facts stated in the preamble to this act are
140 found and declared to be true.

141 Section 2. The sum of \$17.715 million is appropriated from
142 the General Revenue Fund to the Department of Highway Safety and
143 Motor Vehicles for the relief of Christeia Jones as compensation
144 for injuries and damages sustained by her and her minor sons,
145 Logan Grant, Denard Maybin, Jr., and Lanard Maybin.

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146 Section 3. The Chief Financial Officer is directed to draw
147 a warrant in favor of Christeia Jones in the sum of \$17.715
148 million, minus payments required to satisfy outstanding Medicaid
149 liens relating to the medical expenses and care of her and her
150 minor sons, Logan Grant, Denard Maybin, Jr., and Lanard Maybin,
151 upon funds of the Department of Highway Safety and Motor
152 Vehicles in the State Treasury and to pay the same out of such
153 funds in the State Treasury.

154 Section 4. The amount paid by the Division of Risk
155 Management of the Department of Financial Services in accordance
156 with the statutory limits of liability set forth in s. 768.28,
157 Florida Statutes, and the amount awarded under this act are
158 intended to provide the sole compensation for all present and
159 future claims arising out of the factual situation described in
160 this act which resulted in damages sustained by Christeia Jones
161 and her minor sons, Logan Grant, Denard Maybin, Jr., and Lanard
162 Maybin. The total amount paid for attorney fees relating to this
163 claim may not exceed 25 percent of the amount awarded under this
164 act.

165 Section 5. This act shall take effect July 1, 2020.