

1 A bill to be entitled

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

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

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

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

26 | Lanard Maybin, in the backseat of the car, and
 27 | WHEREAS, after being struck by Trooper Umana's vehicle,
 28 | Christeia Jones's car was struck in the rear by a tractor
 29 | trailer, and
 30 | WHEREAS, the impact crushed the trunk and rear seating area
 31 | of the car, and
 32 | WHEREAS, the car was propelled off the road, where it
 33 | struck a tree and caught fire, and
 34 | WHEREAS, all three children were transported by helicopter
 35 | to the University of Florida Health Shands Hospital in
 36 | Gainesville, and
 37 | WHEREAS, at the hospital, Logan Grant was diagnosed with a
 38 | severe traumatic brain injury, extensive facial fractures,
 39 | pulmonary edema, and respiratory failure, and
 40 | WHEREAS, Logan Grant remained in the hospital for a month
 41 | before he was discharged to Brooks Rehabilitation Hospital in
 42 | Jacksonville for 2 weeks of brain injury rehabilitation, and
 43 | WHEREAS, Logan Grant continues to receive speech therapy
 44 | weekly and struggles with expressive and receptive language, and
 45 | WHEREAS, Logan Grant also exhibits left-side body weakness
 46 | and behavioral difficulties, and
 47 | WHEREAS, Logan Grant's past medical bills exceed \$310,000,
 48 | and Medicaid has asserted a lien of \$135,161.64, and
 49 | WHEREAS, pediatric physical medicine and rehabilitation
 50 | specialist Dr. Paul Kornberg has examined Logan Grant and has

51 | observed ongoing left hemiparesis with motor, perceptual,
52 | communicative, cognitive, and behavioral impairments of a
53 | permanent nature which will prevent him from achieving gainful
54 | employment, and

55 | WHEREAS, Dr. Kornberg reported that Logan Grant is at a
56 | high risk for developing seizures in the future, requires
57 | ongoing bracing of his left ankle to improve gait, is
58 | anticipated to require a scooter for long-distance mobility by
59 | the age of 30, is likely to require invasive treatment or
60 | orthopedic surgery in the form of left heel-cord lengthening in
61 | the future, and is expected to be unable to live alone as an
62 | adult, necessitating guardianship and attendant care, and

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

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

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

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

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

80 WHEREAS, Lanard Maybin's past medical bills amount to
81 \$35,584.16, and Medicaid has asserted a lien in the amount of
82 \$22,525.66, and

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

88 WHEREAS, Denard Maybin, Jr., remained hospitalized for 2
89 weeks before he was transferred to Brooks Rehabilitation Center
90 in Jacksonville for acute inpatient rehabilitation, and

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

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

96 WHEREAS, Denard Maybin, Jr.,'s past medical bills exceed
97 \$175,000, and Medicaid has asserted a lien of \$96,833.99, and

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

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

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

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

115 WHEREAS, Christeia Jones, through a separate lawsuit filed
 116 in Orange County under case number 2018-CA-004258-O, alleged
 117 that the negligence of the Florida Highway Patrol, through its
 118 trooper, was the proximate cause of her injuries, and

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

125 WHEREAS, Christeia Jones and the Florida Highway Patrol

126 | acknowledged that if the case had gone to trial, a jury could
 127 | reasonably have awarded damages to Ms. Jones in the amount of
 128 | \$18 million, and

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

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

137 |

138 | Be It Enacted by the Legislature of the State of Florida:

139 |

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

142 | Section 2. The sum of \$9 million is appropriated from the
 143 | General Revenue Fund to the Department of Highway Safety and
 144 | Motor Vehicles for the relief of Christeia Jones, as natural
 145 | parent and legal guardian of Logan Grant, Denard Maybin, Jr.,
 146 | and Lanard Maybin, to compensate Logan Grant, Denard Maybin,
 147 | Jr., and Lanard Maybin for injuries and damages sustained as a
 148 | result of the accident that occurred on May 18, 2014, due to the
 149 | negligence of an employee of the Department of Highway Safety
 150 | and Motor Vehicles.

151 Section 3. The Chief Financial Officer is directed to draw
152 a warrant in favor of the special needs trusts for the exclusive
153 use and benefit of Logan Grant, Denard Maybin, Jr., and Lanard
154 Maybin, in the sum of \$9 million, upon funds of the Department
155 of Highway Safety and Motor Vehicles in the State Treasury and
156 to pay the same out of such funds in the State Treasury.

157 Section 4. The amount paid by the Division of Risk
158 Management of the Department of Financial Services in accordance
159 with the statutory limits of liability set forth in s. 768.28,
160 Florida Statutes, and the amount awarded under this act are
161 intended to provide the sole compensation for all present and
162 future claims arising out of the factual situation described in
163 this act which resulted in damages sustained by Logan Grant,
164 Denard Maybin, Jr., and Lanard Maybin. Of the amount awarded
165 under this act, the total amount paid for attorney fees may not
166 exceed \$1,800,000, the total amount paid for lobbying fees may
167 not exceed \$450,000, and the total amount paid for costs or
168 other similar expenses may not exceed \$15,603.17.

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