

By the Committee on Judiciary; and Senator Cruz

590-03196-21

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1 A bill to be entitled

2 An act for the relief of the Estate of Crystle Marie
3 Galloway by the Hillsborough County Board of County
4 Commissioners; providing for an appropriation to
5 compensate the estate for injuries sustained by
6 Crystle Marie Galloway and her survivors as a result
7 of the negligence of employees of the Hillsborough
8 County Board of County Commissioners; providing a
9 limitation on the payment of fees; providing an
10 effective date.

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12 WHEREAS, on or about June 27, 2018, Crystle Marie Galloway
13 gave birth to her son, Jacob Aiden Flowers, via caesarean
14 section and was discharged from the hospital on or about June
15 29, 2018, and

16 WHEREAS, on or about July 4, 2018, at approximately 3:02
17 a.m., Ms. Galloway's mother, Nicole Black, contacted the
18 Hillsborough County Fire Rescue emergency dispatch center via
19 911 to request medical assistance for Ms. Galloway, and

20 WHEREAS, during the 911 call, Ms. Black requested an
21 ambulance for her daughter, advising the dispatcher that Ms.
22 Galloway had recently given birth and that she was found
23 unconscious in the bathroom with swollen lips and drool coming
24 out of her mouth, and

25 WHEREAS, the nature of the emergency was classified as a
26 stroke or cerebrovascular accident, and at approximately 3:05
27 a.m., four paramedics employed by Hillsborough County Fire
28 Rescue were dispatched to Ms. Galloway's home and arrived at
29 approximately 3:17 a.m., and

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30 WHEREAS, two deputies from the Hillsborough County
31 Sheriff's office who first arrived at Ms. Galloway's home in
32 response to the 911 call advised the paramedics employed by
33 Hillsborough County Fire Rescue that Ms. Galloway was
34 complaining of a headache and sensitivity to light and sound,
35 had not consumed any medication or alcohol, and had given birth
36 via caesarean section a few days earlier, and

37 WHEREAS, although the paramedics employed by Hillsborough
38 County Fire Rescue observed Ms. Galloway crying, complaining of
39 a headache, and vomiting, they did not take Ms. Galloway's
40 vitals or perform any physical examination of her, and

41 WHEREAS, at 3:30 a.m., approximately 13 minutes after
42 arriving at Ms. Galloway's home, the paramedics employed by
43 Hillsborough County Fire Rescue left without Ms. Galloway and
44 reported the incident as "Nontransport/No Patient Found" and
45 "Nontransport/Cancel," and

46 WHEREAS, while Ms. Black was transporting Ms. Galloway to
47 the hospital in her personal vehicle, Ms. Galloway began having
48 seizures, and a CT scan of her brain performed at the emergency
49 room later revealed an acute subarachnoid hemorrhage, most
50 likely secondary to an aneurysm, and

51 WHEREAS, as the facility where Ms. Galloway was first
52 admitted was not equipped to handle the required neurological
53 interventions, Ms. Galloway was later transported to Tampa
54 General Hospital, where she underwent a cerebral angiogram with
55 coil placement into the aneurysm, and

56 WHEREAS, despite efforts by physicians at Tampa General
57 Hospital to treat Ms. Galloway, she passed away on July 9, 2018,
58 and

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59 WHEREAS, as the Hillsborough County Board of County
60 Commissioners provides emergency medical and health care
61 services to its residents through entities that include
62 Hillsborough County Fire Rescue, paramedics employed by
63 Hillsborough County Fire Rescue are employees and agents of the
64 Hillsborough County Board of County Commissioners, and
65 WHEREAS, such employees of the Hillsborough County Board of
66 County Commissioners had a duty to use reasonable care in the
67 treatment of Ms. Galloway, and
68 WHEREAS, such employees of the Hillsborough County Board of
69 County Commissioners breached that duty by deviating from the
70 acceptable and appropriate standards of care in providing
71 inadequate care to Ms. Galloway, and
72 WHEREAS, the Estate of Crystle Marie Galloway alleged,
73 through a lawsuit filed October 17, 2019, in the Circuit Court
74 of the Thirteenth Judicial Circuit in and for Hillsborough
75 County, that the negligence of the Hillsborough County Board of
76 County Commissioners, through its employees, was the proximate
77 cause of Ms. Galloway's death, and
78 WHEREAS, following the filing of the lawsuit, the
79 Hillsborough County Board of County Commissioners and the Estate
80 of Crystle Marie Galloway reached a settlement agreement in the
81 amount of \$2.75 million, of which \$300,000 has been paid to the
82 Estate of Crystle Marie Galloway pursuant to the limits of
83 liability set forth in s. 768.28, Florida Statutes, and the
84 remainder is conditioned upon the passage of a claim bill, which
85 is agreed to by the Hillsborough County Board of County
86 Commissioners, in the amount of \$2.45 million, NOW, THEREFORE,
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88 Be It Enacted by the Legislature of the State of Florida:

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

92 Section 2. The Hillsborough County Board of County
93 Commissioners is authorized and directed to appropriate from
94 funds of the county not otherwise encumbered and to draw a
95 warrant in the sum of \$2.45 million payable to Nicole Black as
96 personal representative of the Estate of Crystle Marie Galloway
97 as compensation for injuries and damages sustained.

98 Section 3. The amount paid by the Hillsborough County Board
99 of County Commissioners pursuant to s. 768.28, Florida Statutes,
100 and the amount awarded under this act are intended to provide
101 the sole compensation for all present and future claims arising
102 out of the factual situation described in this act which
103 resulted in the death of Crystle Marie Galloway, including
104 injuries and damages to the Estate of Crystle Marie Galloway and
105 her survivors. Of the amount awarded under this act, the total
106 amount paid for attorney fees relating to this claim may not
107 exceed \$612,500, the total amount paid for lobbying fees may not
108 exceed \$122,500, and the total amount paid for costs or other
109 similar expenses may not exceed \$20,906.04.

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