

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative McClure offered the following:

3
4 **Amendment**

5 Remove lines 57-133 and insert:

6 WHEREAS, Dr. Michael Shahnasarian has estimated the cost of
7 Logan Grant's future medical and palliative care needs to be
8 \$6,702,555, and his loss of earning capacity over his lifetime
9 to be between \$1,543,014 and \$2,810,754, and

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

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

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16 WHEREAS, since the accident, Lanard Maybin has experienced
17 night terrors and changes in behavior and temperament, and has
18 gained significant weight, and

19 WHEREAS, in early 2019, Dr. Patrick Gorman evaluated Lanard
20 Maybin and diagnosed him as having posttraumatic stress disorder
21 and significant neurocognitive difficulties secondary to
22 traumatic brain injury, and

23 WHEREAS, Lanard Maybin's past medical bills amount to
24 \$35,584.16, and Medicaid has asserted a lien in the amount of
25 \$22,525.66, and

26 WHEREAS, at Shands Hospital, Denard Maybin, Jr., was
27 intubated, was put on mechanical ventilation for a day, and was
28 diagnosed with a severe traumatic brain injury and a
29 subcutaneous soft tissue scalp laceration that required surgery,
30 and

31 WHEREAS, Denard Maybin, Jr., remained hospitalized for 2
32 weeks before he was transferred to Brooks Rehabilitation Center
33 for acute inpatient rehabilitation, and

34 WHEREAS, the rehabilitation center noted that Denard
35 Maybin, Jr., had significant cognitive deficits as well as
36 impulsivity and behavioral changes, and

37 WHEREAS, Denard Maybin, Jr., continues to receive
38 occupational therapy, physical therapy, and speech therapy, and

COMMITTEE/SUBCOMMITTEE AMENDMENT

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39 WHEREAS, the past medical bills of Denard Maybin, Jr.,
40 exceed \$175,000, and Medicaid has asserted a lien of \$96,833.99,
41 and

42 WHEREAS, Dr. Kornberg has diagnosed Denard Maybin, Jr.,
43 with permanent impairment that will prevent him from achieving
44 gainful employment, and

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

49 WHEREAS, Dr. Shahnasarian has estimated the cost of future
50 medical and palliative care needs of Denard Maybin, Jr., to be
51 \$5,773,129, and his loss of earning capacity over his lifetime
52 to be between \$1,568,817 and \$2,858,577, and

53 WHEREAS, Trooper Umana was an employee of the Florida
54 Highway Patrol, a division of the Department of Highway Safety
55 and Motor Vehicles, and

56 WHEREAS, Trooper Umana had a duty to use reasonable care to
57 avoid accidents and injury to himself and others while driving
58 his patrol vehicle, and

59 WHEREAS, Ms. Jones, as parent and natural guardian of Logan
60 Grant, Denard Maybin, Jr., and Lanard Maybin, through a lawsuit
61 filed in the Circuit Court of the Ninth Judicial Circuit in and
62 for Orange County under case number 2017-CA-00732-0, alleged
63 that the negligence of the Florida Highway Patrol, through its

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64 trooper, was the proximate cause of serious injuries to her
65 minor sons, and

66 WHEREAS, Ms. Jones, through a separate lawsuit filed in the
67 Circuit Court of the Ninth Judicial Circuit in and for Orange
68 County under case number 2018-CA-004258-0, alleged that the
69 negligence of the Florida Highway Patrol, through its trooper,
70 was the proximate cause of her own injuries, and

71 WHEREAS, on November 30, 2018, in case number 2017-CA-
72 00732-0, Ms. Jones and the Florida Highway Patrol entered into a
73 settlement agreement regarding the claims of Ms. Jones and her
74 minor sons which arose out of the accident described in this
75 act, including the claims under case number 2018-CA-004258-0,
76 which are to be dismissed with prejudice, and

77 WHEREAS, Ms. Jones and the Florida Highway Patrol
78 acknowledged that if the case had gone to trial, a jury could
79 reasonably have awarded damages to Ms. Jones in the amount of
80 \$18 million, and both parties agreed to a settlement in the
81 amount of \$7.785 million, and

82 WHEREAS, the settlement agreement required the Division of