

1                                    A bill to be entitled  
 2                    An act for the relief of Christeia Jones, as guardian  
 3                    of 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 an  
 6                    automobile accident caused by Trooper Raul Umana, an  
 7                    employee of the Florida Highway Patrol, a division of  
 8                    the Department of Highway Safety and Motor Vehicles;  
 9                    providing a limitation on the payment of compensation  
 10                    and specified fees; providing an effective date.

11  
 12                    WHEREAS, shortly before 9:25 p.m. on May 18, 2014, Florida  
 13                    Highway Patrol Trooper Raul Umana attempted to cross through a  
 14                    gap in the median onto the southbound lanes of I-75, south of  
 15                    Ocala, and

16                    WHEREAS, Trooper Umana misjudged the turn and his vehicle  
 17                    struck the concrete barrier before crossing into the southbound  
 18                    lane and striking a car driven by Christeia Jones, and

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

23                    WHEREAS, after being struck by Trooper Umana's vehicle, Ms.  
 24                    Jones's car was struck in the rear by a tractor trailer, and the  
 25                    impact crushed the trunk and rear seating area of the car, and

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

28 WHEREAS, all three children were transported by helicopter  
 29 to the University of Florida Health Shands Hospital in  
 30 Gainesville, and

31 WHEREAS, at the hospital, Logan Grant was diagnosed with a  
 32 severe traumatic brain injury, extensive facial fractures,  
 33 pulmonary edema, and respiratory failure, and

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

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

39 WHEREAS, Logan Grant also exhibits left-side body weakness  
 40 and behavioral difficulties, and

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

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

49 WHEREAS, Dr. Kornberg reported that Logan Grant is at a  
 50 high risk for developing seizures in the future, requires

51 ongoing bracing of his left ankle to improve gait, is  
52 anticipated to require a scooter for long-distance mobility by  
53 the age of 30, is likely to require invasive treatment or  
54 orthopedic surgery in the form of left heel cord lengthening in  
55 the future, and is expected to be unable to live alone as an  
56 adult, necessitating guardianship and attendant care, and

57 WHEREAS, Dr. Michael Shahnasarian has estimated the cost of  
58 Logan Grant's future medical and palliative care needs to be  
59 \$6,702,555, and his loss of earning capacity over his lifetime  
60 to be between \$1,543,014 and \$2,810,754, and

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

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

67 WHEREAS, since the accident, Lanard Maybin has experienced  
68 night terrors and changes in behavior and temperament, and has  
69 gained significant weight, and

70 WHEREAS, in early 2019, Dr. Patrick Gorman evaluated Lanard  
71 Maybin and diagnosed him as having posttraumatic stress disorder  
72 and significant neurocognitive difficulties secondary to  
73 traumatic brain injury, and

74 WHEREAS, Lanard Maybin's past medical bills amount to  
75 \$35,584.16, and Medicaid has asserted a lien in the amount of

76 | \$22,525.66, and

77 |       WHEREAS, at Shands Hospital, Denard Maybin, Jr., was  
 78 | intubated, was put on mechanical ventilation for a day, and was  
 79 | diagnosed with a severe traumatic brain injury and a  
 80 | subcutaneous soft tissue scalp laceration that required surgery,  
 81 | and

82 |       WHEREAS, Denard Maybin, Jr., remained hospitalized for 2  
 83 | weeks before he was transferred to Brooks Rehabilitation Center  
 84 | for acute inpatient rehabilitation, and

85 |       WHEREAS, the rehabilitation center noted that Denard  
 86 | Maybin, Jr., had significant cognitive deficits as well as  
 87 | impulsivity and behavioral changes, and

88 |       WHEREAS, Denard Maybin, Jr., continues to receive  
 89 | occupational therapy, physical therapy, and speech therapy, and

90 |       WHEREAS, the past medical bills of Denard Maybin, Jr.,  
 91 | exceed \$175,000, and Medicaid has asserted a lien of \$96,833.99,  
 92 | and

93 |       WHEREAS, Dr. Kornberg has diagnosed Denard Maybin, Jr.,  
 94 | with permanent impairment that will prevent him from achieving  
 95 | gainful employment, and

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

100 |       WHEREAS, Dr. Shahnasarian has estimated the cost of future

101 medical and palliative care needs of Denard Maybin, Jr., to be  
 102 \$5,773,129, and his loss of earning capacity over his lifetime  
 103 to be between \$1,568,817 and \$2,858,577, and

104 WHEREAS, Trooper Umana was an employee of the Florida  
 105 Highway Patrol, a division of the Department of Highway Safety  
 106 and Motor Vehicles, and

107 WHEREAS, Trooper Umana had a duty to use reasonable care to  
 108 avoid accidents and injury to himself and others while driving  
 109 his patrol vehicle, and

110 WHEREAS, Ms. Jones, as parent and natural guardian of Logan  
 111 Grant, Denard Maybin, Jr., and Lanard Maybin, through a lawsuit  
 112 filed in the Circuit Court of the Ninth Judicial Circuit in and  
 113 for Orange County under case number 2017-CA-00732-0, alleged  
 114 that the negligence of the Florida Highway Patrol, through its  
 115 trooper, was the proximate cause of serious injuries to her  
 116 minor sons, and

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

122 WHEREAS, on November 30, 2018, in case number 2017-CA-  
 123 00732-0, Ms. Jones and the Florida Highway Patrol entered into a  
 124 settlement agreement regarding the claims of Ms. Jones and her  
 125 minor sons which arose out of the accident described in this

126 act, including the claims under case number 2018-CA-004258-O,  
 127 which are to be dismissed with prejudice, and

128 WHEREAS, Ms. Jones and the Florida Highway Patrol  
 129 acknowledged that if the case had gone to trial, a jury could  
 130 reasonably have awarded damages to Ms. Jones in the amount of  
 131 \$18 million, and both parties agreed to a settlement in the  
 132 amount of \$7.785 million, and

133 WHEREAS, the settlement agreement required the Division of  
 134 Risk Management of the Department of Financial Services to pay  
 135 \$285,000 to Ms. Jones pursuant to the statutory limits of  
 136 liability in s. 768.28, Florida Statutes, and

137 WHEREAS, Ms. Jones seeks satisfaction of the remaining  
 138 balance of the settlement agreement, which is \$7.5 million, NOW,  
 139 THEREFORE,

140

141 Be It Enacted by the Legislature of the State of Florida:

142

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

145 Section 2. The sum of \$7.5 million is appropriated from  
 146 the Highway Safety Operating Trust Fund to the Department of  
 147 Highway Safety and Motor Vehicles for the relief of Christeia  
 148 Jones as compensation for injuries and damages sustained by her  
 149 and her minor sons, Logan Grant, Denard Maybin, Jr., and Lanard  
 150 Maybin.

151           Section 3. The Chief Financial Officer is directed to draw  
152 a warrant in favor of Christeia Jones in the sum of \$7.5  
153 million, minus payments required to satisfy outstanding Medicaid  
154 liens relating to the medical expenses and care of her and her  
155 minor sons, Logan Grant, Denard Maybin, Jr., and Lanard Maybin,  
156 upon funds of the Department of Highway Safety and Motor  
157 Vehicles in the State Treasury and to pay the same out of such  
158 funds in the State Treasury.

159           Section 4. The amount paid by the Division of Risk  
160 Management of the Department of Financial Services pursuant to  
161 s. 768.28, Florida Statutes, and the amount awarded under this  
162 act are intended to provide the sole compensation for all  
163 present and future claims arising out of the factual situation  
164 described in this act which resulted in injuries and damages  
165 sustained by Christeia Jones and her minor sons, Logan Grant,  
166 Denard Maybin, Jr., and Lanard Maybin. Of the amount awarded  
167 under this act, the total amount paid for attorney fees may not  
168 exceed \$1,500,000, the total amount paid for lobbying fees may  
169 not exceed \$375,000, and the total amount paid for costs or  
170 other similar expenses may not exceed \$34,849.92.

171           Section 5. This act shall take effect upon becoming a law.