

By the Committee on Judiciary; and Senator Baxley

590-02246-22

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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 attorney 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

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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 Logan
58 Grant's future medical and palliative care needs to be

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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

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

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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-O, 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-O, 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 \$7.5 million, and

133 WHEREAS, the settlement agreement requires 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 are
144 found and declared to be true.

145 Section 2. The sum of \$7.5 million is appropriated from the

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146 General Revenue Fund to the Department of Highway Safety and
147 Motor Vehicles for the relief of Christeia Jones as compensation
148 for injuries and damages sustained by her and her minor sons,
149 Logan Grant, Denard Maybin, Jr., and Lanard Maybin.

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

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

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