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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 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

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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 the cost of  
58 Logan 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 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

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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 \$7.785 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 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 Highway Safety Operating Trust Fund to the Department of Highway  
147 Safety and Motor Vehicles for the relief of Christeia Jones as  
148 compensation for injuries and damages sustained by her and her  
149 minor sons, 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. Of the amount awarded  
166 under this act, the total amount paid for attorney fees may not  
167 exceed \$1.5 million, the total amount paid for lobbying fees may  
168 not exceed \$375,000, and the total amount paid for costs or  
169 other similar expenses may not exceed \$34,849.92.

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