

Senate Bill No. 74

An act relating to Halifax Hospital Medical Center, a special taxing district in Volusia County d/b/a Halifax Medical Center; providing for the relief of Steven Mitchell; authorizing and directing Halifax Hospital Medical Center to compensate Mr. Mitchell for personal injuries that he suffered while at Halifax Medical Center; providing an effective date.

WHEREAS, on March 8, 1995, Steven Mitchell, who had traveled from his home in Nashville, Tennessee, to Daytona Beach, was riding his motorcycle northbound on County Road 415 in West Volusia County when a motorist pulled out of a side road immediately into Mr. Mitchell's path, causing an accident, and

WHEREAS, emergency medical personnel stabilized Mr. Mitchell's neck appropriately and transported him to Halifax Hospital's emergency room, where he was diagnosed, treated, and released, and

WHEREAS, by the next day, Mr. Mitchell was experiencing respiratory problems and severe pain and could not move his legs, and

WHEREAS, after he was subsequently readmitted to the emergency department, it was immediately determined that his spinal cord had been damaged so as to cause quadriplegia, and

WHEREAS, Steven Mitchell currently resides in Tennessee and is in need of significant care and medical equipment and 24-hour-a-day attendant care, and

WHEREAS, a lawsuit was filed against the Halifax Hospital Medical Center, alleging that the negligence of hospital employees caused or contributed to the injuries to Steven Mitchell, and

WHEREAS, after years of litigation but prior to trial, the parties began settlement negotiations in an effort to resolve this matter, and

WHEREAS, the parties have reached an agreement whereby the Halifax Hospital Medical Center would pay a sum that has a present total value of \$2,500,000 to resolve this claim, and

WHEREAS, the agreement between the parties has been reviewed and approved by the circuit court, and

WHEREAS, pursuant to the agreement and in accordance with the limits set forth in section 768.28, Florida Statutes, the Halifax Hospital Medical Center has paid Steven Mitchell and his emancipated daughter \$200,000, leaving a total of \$2,300,000 to be paid pursuant to a claim bill, NOW, THEREFORE,

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

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

Section 2. Halifax Hospital Medical Center, a special taxing district in Volusia County d/b/a Halifax Medical Center, is authorized and directed to appropriate from funds of the medical center not otherwise appropriated and to draw warrants payable as follows:

(1) To Steven Mitchell in the amount of \$15,000 per month into a Special Needs Trust for the remainder of his life to compensate him for injuries and damages he sustained, which will be administered based upon his needs;

(2) To Steven Mitchell in the amount of \$50,000 into the Special Needs Trust;

(3) To claimant's attorneys, Searcy, Denney, Scarola, Barnhart & Shipley, P.A., in the amount of \$625,000 as payment of attorney's fees; and

(4) To claimant's attorneys in the amount of \$200,000 as payment of costs incurred.

Section 3. This act shall take effect upon becoming a law.

Approved by the Governor June 5, 2002.

Filed in Office Secretary of State June 5, 2002.