

## CHAPTER 2017-226

### Committee Substitute for House Bill No. 6521

An act for the relief of Mary Mifflin-Gee by the City of Miami; providing for an appropriation to compensate her for injuries and damages sustained as a result of the negligence of employees of the City of Miami Department of Fire-Rescue; providing a limitation on the payment of compensation, fees, and costs; providing an effective date.

WHEREAS, on October 25, 2012, Mary Mifflin-Gee was in her vehicle located in a parking lot at 1498 NW 54th Street in Miami when, according to eyewitness statements, she exhibited seizure-like symptoms and foamed from the mouth, and

WHEREAS, a call was placed to 911, and paramedics Eric Hough, Marc Alexandre, and Steven Mason of the City of Miami Department of Fire-Rescue responded to treat Mary Mifflin-Gee, and

WHEREAS, the fire rescue personnel removed Mary Mifflin-Gee from her vehicle, and, even though it is a basic Emergency Medical Technician (EMT) requirement to secure an unconscious patient to the gurney with the seatbelt, the fire rescue personnel placed Mary Mifflin-Gee on a gurney without securing her with the seatbelt and attempted to transfer her into the ambulance, and

WHEREAS, because of the fire personnel's failure to follow the basic EMT requirement, Mary Mifflin-Gee fell off the gurney and struck her head and, as a result, suffered a severe traumatic brain injury, and

WHEREAS, Mary Mifflin-Gee was transported to Jackson Memorial Hospital, where she underwent a left craniectomy and cranioplasty as well as a posttraumatic hydrocephalus ventriculoperitoneal shunt placement for her head injury, and

WHEREAS, Mary Mifflin-Gee became tracheostomy dependent and suffered numerous complications, such as dysphagia, hypertension, anemia of chronic disease, acute renal failure, respiratory distress, urinary tract infections, rectal bleeding, and deep vein thrombosis, and

WHEREAS, Mary Mifflin-Gee was transferred to Jackson Memorial Long-Term Care Center, where she now depends on nursing staff for all daily activities and all levels of care and remains in a persistent vegetative state, and

WHEREAS, Mary Mifflin-Gee was treated by Dr. Craig Lichtblau, a specialist certified by the American Board of Physical Medicine and Rehabilitation, who determined that she is 93 percent impaired as a result of the accident in question and that her future medical care will cost several million dollars, and

WHEREAS, additionally, Mary Mifflin-Gee’s past medical expenses amount to \$1,168,857.93, and

WHEREAS, before the accident, Mary Mifflin-Gee lived alone, had no significant health issues, and was completely independent, and

WHEREAS, Marilyn Jelks, as legal guardian of the person and property of Mary Mifflin-Gee, filed a claim and lawsuit against the City of Miami in the Circuit Court of the 11th Judicial Circuit of Florida, Case No. 13-026644 CA 01, for compensation for the injuries, alleging negligence in the care and treatment by the EMT workers who attended to Mary Mifflin-Gee, and

WHEREAS, mediation was conducted on February 6, 2015, and the case was settled for \$2.5 million, and

WHEREAS, the insurance company of the City of Miami, Lloyd’s of London, which has a policy that provides for a \$500,000 self-insured retention before the company is responsible for any excess amount, has agreed to pay \$2 million, and

WHEREAS, the City of Miami has agreed to pay \$200,000 in satisfaction of the sovereign immunity limits under s. 768.28, Florida Statutes, 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. The City of Miami is authorized and directed to appropriate from funds not otherwise encumbered and to draw a warrant in the sum of \$2,300,000 payable to Marilyn Jelks, as legal guardian of Mary Mifflin-Gee. This sum shall be placed in the Special Needs Trust created for the exclusive use and benefit of Mary Mifflin-Gee, to compensate her for injuries and damages sustained as a result of the negligence of employees of the City of Miami.

Section 3. The amount paid by the City of Miami pursuant to s. 768.28, Florida Statutes, and the amount awarded under this act are intended to provide the sole compensation for all present and future claims arising out of the factual situation described in this act which resulted in injuries and damages to Mary Mifflin-Gee. Of the amount awarded under this act, the total amount paid for attorney fees may not exceed \$575,000, no amount may be paid for lobbying fees, and the total amount paid for costs and other similar expenses relating to this claim may not exceed \$17,110.39.

Section 4. This act shall take effect upon becoming a law.

Approved by the Governor June 2, 2017.

Filed in Office Secretary of State June 2, 2017.