

CHAPTER 2022-227

Committee Substitute for Committee Substitute for Senate Bill No. 80

An act for the relief of Christeia Jones, as guardian of Logan Grant, Denard Maybin, Jr., and Lanard Maybin; providing an appropriation to compensate them for injuries and damages sustained as a result of an automobile accident caused by Trooper Raul Umana, an employee of the Florida Highway Patrol, a division of the Department of Highway Safety and Motor Vehicles; providing a limitation on the payment of compensation and specified fees; providing an effective date.

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, Dr. Kornberg reported that Logan Grant is at a high risk for developing seizures in the future, requires ongoing bracing of his left ankle to improve gait, is anticipated to require a scooter for long-distance mobility by the age of 30, is likely to require invasive treatment or orthopedic surgery in the form of left heel cord lengthening in the future, and is expected to be unable to live alone as an adult, necessitating guardianship and attendant care, and

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

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

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

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

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

WHEREAS, Lanard Maybin’s past medical bills amount to \$35,584.16, and Medicaid has asserted a lien in the amount of \$22,525.66, and

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

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

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

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

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

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

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

WHEREAS, Dr. Shahnasarian has estimated the cost of future medical and palliative care needs of Denard Maybin, Jr., to be \$5,773,129, and his loss of earning capacity over his lifetime to be between \$1,568,817 and \$2,858,577, and

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

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

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

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

WHEREAS, on November 30, 2018, in case number 2017-CA-00732-O, Ms. Jones and the Florida Highway Patrol entered into a settlement agreement regarding the claims of Ms. Jones and her minor sons which arose out of the accident described in this act, including the claims under case number 2018-CA-004258-O, which are to be dismissed with prejudice, and

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

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

WHEREAS, Ms. Jones seeks satisfaction of the remaining balance of the settlement agreement, which is \$7.5 million, 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 sum of \$7.5 million is appropriated from the Highway Safety Operating Trust Fund to the Department of Highway Safety and Motor Vehicles for the relief of Christeia Jones as compensation for injuries and damages sustained by her and her minor sons, Logan Grant, Denard Maybin, Jr., and Lanard Maybin.

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

Section 4. The amount paid by the Division of Risk Management of the Department of Financial Services 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 sustained by Christeia Jones and her minor sons, Logan Grant, Denard Maybin, Jr., and Lanard Maybin. Of the amount awarded under this act, the total amount paid for attorney fees may not exceed \$1.5 million, the total amount paid for lobbying fees may not exceed \$375,000, and the total amount paid for costs or other similar expenses may not exceed \$34,849.92.

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

Approved by the Governor May 20, 2022.

Filed in Office Secretary of State May 20, 2022.