

By the Committee on Judiciary; and Senator Montford

590-02993-17

201746c1

1 A bill to be entitled

2 An act for the relief of Mary Mifflin-Gee by the City  
3 of Miami; providing for an appropriation to compensate  
4 her for injuries and damages sustained as a result of  
5 the negligence of employees of the City of Miami  
6 Department of Fire-Rescue; providing a limitation on  
7 the payment of attorney fees; providing an effective  
8 date.

9  
10 WHEREAS, on October 25, 2012, Mary Mifflin-Gee was in her  
11 vehicle located in a parking lot at 1498 NW 54th Street in Miami  
12 when, according to eyewitness statements, she exhibited seizure-  
13 like symptoms and foamed from the mouth, and

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

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

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

29 WHEREAS, Mary Mifflin-Gee was transported to Jackson

590-02993-17

201746c1

30 Memorial Hospital, where she underwent a left craniectomy and  
31 cranioplasty as well as a posttraumatic hydrocephalus  
32 ventriculoperitoneal shunt placement for her head injury, and

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

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

42 WHEREAS, Mary Mifflin-Gee was treated by Dr. Craig  
43 Lichtblau, a specialist certified by the American Board of  
44 Physical Medicine and Rehabilitation, who determined that she is  
45 93 percent impaired as a result of the accident in question and  
46 that her future medical care will cost several million dollars,  
47 and

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

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

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

590-02993-17

201746c1

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

61 WHEREAS, the insurance company of the City of Miami,  
62 Lloyd's of London, which has a policy that provides for a  
63 \$500,000 self-insured retention before the company is  
64 responsible for any excess amount, has agreed to pay \$2 million,  
65 and

66 WHEREAS, the City of Miami has agreed to pay \$200,000 in  
67 satisfaction of the sovereign immunity limits under s. 768.28,  
68 Florida Statutes, NOW, THEREFORE,

69  
70 Be It Enacted by the Legislature of the State of Florida:

71  
72 Section 1. The facts stated in the preamble to this act are  
73 found and declared to be true.

74 Section 2. The City of Miami is authorized and directed to  
75 appropriate from funds not otherwise encumbered and to draw a  
76 warrant in the sum of \$2,300,000 payable to Marilyn Jelks, as  
77 legal guardian of Mary Mifflin-Gee. This sum shall be placed in  
78 the Special Needs Trust created for the exclusive use and  
79 benefit of Mary Mifflin-Gee, to compensate her for injuries and  
80 damages sustained as a result of the negligence of employees of  
81 the City of Miami.

82 Section 3. The amount paid by the City of Miami pursuant to  
83 s. 768.28, Florida Statutes, and the amount awarded under this  
84 act are intended to provide the sole compensation for all  
85 present and future claims arising out of the factual situation  
86 described in this act which resulted in injuries and damages to  
87 Mary Mifflin-Gee. The total amount paid for attorney fees

590-02993-17

201746c1

88 relating to this claim may not exceed 25 percent of the amount  
89 awarded under this act.

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