



STORAGE NAME: h6521.CJC

DATE: 3/6/2017

Florida House of Representatives Summary Claim Bill Report

Bill #: HB 6521; Relief/Mary Mifflin-Gee/City of Miami

Sponsor: Jenne

Companion Bill: SB 46 by Montford

Special Master: Parker Aziz

Basic Information:

Claimants:	Marilyn Jelks, as the legal guardian of Mary Mifflin-Gee
Respondent:	City of Miami
Amount Requested:	\$2,300,000
Type of Claim:	Local equitable claim; result of a settlement agreement.
Respondent's Position:	The City of Miami does not oppose a claim bill and will be reimbursed \$2,000,000 by its insurer.
Collateral Sources:	None.
Attorney's/Lobbying Fees:	Claimant's attorney has an agreement with Claimant to take a fee of 25% of Claimant's total recovery. Claimant's attorney has not retained a lobbyist. Outstanding costs total \$17,110.39.
Prior Legislative History:	This is the first time House Bill 6521 by Representative Jenne and Senate Bill 46 by Senator Montford has been introduced to the Legislature.

Procedural Summary: In 2013, Marilyn Jelks, as guardian of Mary Mifflin-Gee, filed a lawsuit against the City of Miami in the Circuit Court of the Eleventh Judicial Circuit in Miami-Dade County. Following a mediation in February of 2015, the parties agreed to a settlement of \$2,500,000 in which the City will pay out of its self-retention fund \$500,000 and Lloyds of London, the City of Miami's insurance company, will reimburse the City for all amounts over the self-insured retention.

Facts of Case: On October 25, 2012, around 11:00 a.m., an attendant at a laundromat called 911 after discovering a 63 year-old Mary Mifflin-Gee ("Claimant") slouched over in her car unconscious. At 11:15 a.m., three paramedics with the City of Miami arrive and begin to remove Claimant from her car. The paramedics retrieved a stretcher from the ambulance, lowered it to the ground, and placed Claimant upon the stretcher. The paramedics raised the sidebar of the stretcher but neither

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of the three paramedics secured Claimant to the gurney with the seatbelt. While transporting the Claimant on the stretcher to the ambulance, the stretcher hit a divot in the parking lot and tipped over. Claimant, still unconscious, fell off the stretcher and landed on the pavement head first. She was placed back on the stretcher, secured, and transported to Jackson Memorial Hospital.

At the hospital, it was discovered the Claimant had suffered a severe traumatic brain injury and underwent a left craniectomy and cranioplasty. She is trach dependent and determined to be in a near total vegetative state. She is currently at Jackson Memorial Long Term Care Center and suffers from several complications brought along with her vegetative state such as acute renal failure, urinary tract infections, rectal bleeding and deep vein thrombosis. Her family resides in Georgia and wishes to transport her but Claimant's dependency on the trach has complicated any such plans.

In March of 2013, Claimant's sister Marilyn Jelks was appointed as Claimant's guardian. Claimant is not married, has no children and was retired at the time of her injury. Her past medical expenses paid for by Medicaid of \$374,388.50, were reduced and satisfied the Medicaid lien for \$128,164.37. Given her current condition, she will need constant medical care for the rest of her foreseeable life.

Recommendation: I respectfully recommend that HB 6521 be reported **FAVORABLY**.

Parker Aziz, Special Master

Date: March 6, 2017

cc: Representative Jenne, House Sponsor
Senator Montford, Senate Sponsor
Tari Rossitto-Vanwinkle, Senate Special Master