

By the Committee on Judiciary; and Senator Simmons

590-03964-20

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1 A bill to be entitled

2 An act for the relief of Christeia Jones, as the
3 natural parent and legal guardian of Logan Grant,
4 Denard Maybin, Jr., and Lanard Maybin; providing an
5 appropriation to compensate them for injuries and
6 damages sustained as a result of the negligence of
7 Trooper Raul Umana and the Florida Highway Patrol, a
8 division of the Department of Highway Safety and Motor
9 Vehicles; providing that certain payments and the
10 appropriation satisfy all present and future claims
11 related to the acts; providing a limitation on the
12 payment of attorney fees; providing an effective date.

13
14 WHEREAS, shortly before 9:25 p.m. on May 18, 2014, Florida
15 Highway Patrol Trooper Raul Umana attempted to cross through a
16 gap in the median onto the southbound lanes of I-75, south of
17 Ocala, and

18 WHEREAS, Trooper Umana misjudged the turn and his vehicle
19 struck the concrete barrier before shooting out into the
20 southbound lane and striking a car driven by Christeia Jones,
21 and

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

26 WHEREAS, after being struck by Trooper Umana's vehicle, Ms.
27 Jones's car was struck in the rear by a tractor trailer, and

28 WHEREAS, the impact crushed the trunk and rear seating area
29 of the car, and

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

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

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

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

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

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

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

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

53 WHEREAS, Dr. Kornberg reported that Logan Grant is at a
54 high risk for developing seizures in the future, requires
55 ongoing bracing of his left ankle to improve gait, is
56 anticipated to require a scooter for long-distance mobility by
57 the age of 30, is likely to require invasive treatment or
58 orthopedic surgery in the form of left heel-cord lengthening in

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59 the future, and is expected to be unable to live alone as an
60 adult, necessitating guardianship and attendant care, and

61 WHEREAS, Dr. Michael Shahnasarian has estimated Logan
62 Grant's future medical and palliative care needs to be
63 \$6,702,555, and his loss of earning capacity over his lifetime
64 to be between \$1,543,014 and \$2,810,754, and

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

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

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

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

78 WHEREAS, Lanard Maybin's past medical bills amount to
79 \$35,584.16, and Medicaid has asserted a lien in the amount of
80 \$22,525.66, and

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

86 WHEREAS, Denard Maybin, Jr., remained hospitalized for 2
87 weeks before he was transferred to Brooks Rehabilitation Center

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88 in Jacksonville for acute inpatient rehabilitation, and

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

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

94 WHEREAS, Denard Maybin, Jr.,'s past medical bills exceed
95 \$175,000, and Medicaid has asserted a lien of \$96,833.99, and

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

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

103 WHEREAS, Dr. Michael Shahnasarian has estimated Denard
104 Maybin, Jr.,'s future medical and palliative care needs to be
105 \$5,773,129, and his loss of earning capacity over his lifetime
106 to be between \$1,568,817 and \$2,858,577, and

107 WHEREAS, Ms. Jones, as parent and natural guardian of Logan
108 Grant, Denard Maybin, Jr., and Lanard Maybin, through a lawsuit
109 filed in Orange County under case number 2017-CA-00732-0,
110 alleged that the negligence of the Florida Highway Patrol,
111 through its trooper, was the proximate cause of serious injuries
112 to her minor sons, and

113 WHEREAS, Ms. Jones, through a separate lawsuit filed in
114 Orange County under case number 2018-CA-004258-0, alleged that
115 the negligence of the Florida Highway Patrol, through its
116 trooper, was the proximate cause of her injuries, and

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117 WHEREAS, on November 30, 2018, in case number 2017-CA-
118 00732-O, Ms. Jones and the Florida Highway Patrol entered into a
119 settlement agreement regarding the claims of Ms. Jones and her
120 minor sons which arose out of the accident described in this
121 act, including the claims under case number 2018-CA-004258-O,
122 which are to be dismissed with prejudice, and

123 WHEREAS, Ms. Jones and the Florida Highway Patrol
124 acknowledged that if the case had gone to trial, a jury could
125 reasonably have awarded damages to Ms. Jones in the amount of
126 \$18 million, and

127 WHEREAS, the settlement agreement requires the Division of
128 Risk Management of the Department of Financial Services to pay
129 \$285,000 to Ms. Jones in accordance with the statutory limits of
130 liability set forth in s. 768.28, Florida Statutes, and

131 WHEREAS, Ms. Jones seeks satisfaction of the remaining
132 balance of the settlement agreement, which is \$17.715 million,
133 NOW, THEREFORE,

134
135 Be It Enacted by the Legislature of the State of Florida:
136

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

139 Section 2. The sum of \$9 million is appropriated from the
140 General Revenue Fund to the Department of Highway Safety and
141 Motor Vehicles for the relief of Christeia Jones, as natural
142 parent and legal guardian of Logan Grant, Denard Maybin, Jr.,
143 and Lanard Maybin, to compensate Logan Grant, Denard Maybin,
144 Jr., and Lanard Maybin for injuries and damages sustained as a
145 result of the accident that occurred on May 18, 2014, due to the

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146 negligence of Trooper Raul Umana, an employee of the Department
147 of Highway Safety and Motor Vehicles.

148 Section 3. The Chief Financial Officer is directed to draw
149 a warrant in favor of the special needs trusts for the exclusive
150 use and benefit of Logan Grant, Denard Maybin, Jr., and Lanard
151 Maybin in the sum of \$9 million upon funds of the Department of
152 Highway Safety and Motor Vehicles in the State Treasury and to
153 pay the same out of such funds in the State Treasury.

154 Section 4. The amount paid by the Division of Risk
155 Management of the Department of Financial Services in accordance
156 with the statutory limits of liability set forth in s. 768.28,
157 Florida Statutes, and the amount awarded under this act are
158 intended to provide the sole compensation for all present and
159 future claims arising out of the factual situation described in
160 this act which resulted in damages sustained by Logan Grant,
161 Denard Maybin, Jr., and Lanard Maybin. Of the amount awarded
162 under this act, the total amount paid for attorney fees may not
163 exceed \$1,800,000, the total amount paid for lobbying fees may
164 not exceed \$450,000, and the total amount paid for costs or
165 other similar expenses may not exceed \$15,603.17.

166 Section 5. This act shall take effect July 1, 2020.