

By Senator DiCeglie

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1 A bill to be entitled
2 An act for the relief of the Estate of Lisa-Maria
3 Carter; providing an appropriation to compensate the
4 estate for injuries and damages sustained by Ms.
5 Carter as a result of the negligence of physicians
6 employed by the Board of Trustees of the University of
7 South Florida; providing a limitation on compensation
8 and the payment of attorney fees; providing an
9 effective date.

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11 WHEREAS, on November 1, 2010, Lisa-Maria Carter underwent a
12 laparoscopic hysterectomy and related gynecological surgical
13 procedures at Tampa General Hospital, performed by physicians
14 employed by the Board of Trustees of the University of South
15 Florida, and

16 WHEREAS, the surgery was expected to be a routine,
17 minimally invasive procedure, and Ms. Carter was to be
18 discharged following her postoperative recovery, and

19 WHEREAS, during the surgical procedure, Ms. Carter
20 sustained an injury to her small intestine which was not
21 recognized before the completion of the operation, and

22 WHEREAS, in the days after the surgery, Ms. Carter
23 experienced severe abdominal pain, hypotension, tachycardia,
24 respiratory distress, persistent signs of infection, abdominal
25 distention, worsening laboratory findings, and other clinical
26 indicators demonstrating that she was suffering from a
27 catastrophic postoperative complication, and

28 WHEREAS, despite repeated evaluations and the continued
29 deterioration of her condition, the small intestine injury was

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not timely diagnosed or surgically repaired, allowing intestinal contents to leak into the abdominal cavity, which resulted in sepsis, septic shock, and multiple life-threatening complications, and

WHEREAS, physicians employed by the Board of Trustees of the University of South Florida transferred Ms. Carter to the intensive care unit to manage her deteriorating condition, including the use of vasopressors, while continuing to direct and manage her medical care and remaining responsible for prescribing appropriate antibiotic treatment, which was not timely provided, and

WHEREAS, expert testimony in a court of law established that Ms. Carter was in septic shock before being transferred to the intensive care unit while under the care of physicians employed by the Board of Trustees of the University of South Florida, yet antibiotics were not timely prescribed, and

WHEREAS, emergency exploratory surgery ultimately revealed a significant small intestine injury with extensive contamination throughout the abdominal cavity, requiring immediate surgical intervention and prolonged critical care treatment, and

WHEREAS, as a result of septic shock and the failure to timely prescribe antibiotics, Ms. Carter suffered catastrophic injuries, and

WHEREAS, before these events, Ms. Carter was an accomplished professional preparing to deploy to Iraq as a civilian intelligence analyst supporting the United States Department of Defense, and the injuries she sustained permanently ended her career, eliminated her earning capacity,

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and fundamentally altered every aspect of her life, and

WHEREAS, Ms. Carter filed suit against the Board of Trustees of the University of South Florida in the Circuit Court of the 13th Judicial Circuit in and for Hillsborough County, case number 12-CA-009942, alleging medical negligence in the medical care rendered by physicians employed by the Board of Trustees of the University of South Florida, and

WHEREAS, on January 26, 2018, a jury returned a verdict in favor of Ms. Carter in the amount of \$109,760,930, plus taxable costs and attorney fees as awarded by the court, and

WHEREAS, the Board of Trustees of the University of South Florida appealed the verdict and resulting judgment, arguing that the intensive care unit physicians should have been included on the verdict form pursuant to *Fabre*, notwithstanding the Board of Trustees' contractual responsibility for such physicians negligence and the hospital's continued management of Ms. Carter's care during her hospitalization, and

WHEREAS, the Second District Court of Appeal reversed the judgment and remanded the matter for a new trial after concluding that the intensive care unit physicians should have been included on the verdict form, and

WHEREAS, following subsequent proceedings, on December 29, 2021, a final judgment was entered against the Board of Trustees of the University of South Florida in the amount of \$1.05 million, which is subject to the sovereign immunity limitations contained in s. 768.28, Florida Statutes (2010), and

WHEREAS, following the entry of the final judgment, Ms. Carter died, and Artis D. Carter II was duly appointed the personal representative of the Estate of Lisa-Maria Carter, and

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WHEREAS, the Board of Trustees of the University of South Florida has taken the position that no payment of the judgment will be made absent legislative authorization through the enactment of a claims bill, and

WHEREAS, this claim bill is for the recovery of the excess judgment in the amount of \$850,000, 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 \$850,000 is appropriated from the General Revenue Fund to the Board of Trustees of the University of South Florida for the relief of the Estate of Lisa-Maria Carter for injuries and damages sustained, by and through the estate's personal representative, Artis D. Carter II.

Section 3. The Chief Financial Officer is directed to draw a warrant in favor of the Estate of Lisa-Maria Carter in the sum of \$850,000 upon funds of the Board of Trustees of the University of South Florida in the State Treasury and to pay the same out of such funds in the State Treasury.

Section 4. The amount paid by the Board of Trustees of the University of South Florida pursuant to s. 768.28, Florida Statutes (2010), 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 Lisa-Maria Carter. The total amount paid for attorney fees relating to this claim may not exceed 25 percent of the total amount awarded

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117 under this act.

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