

ENROLLED

CS/HB 877, Engrossed 1

2012 Legislature

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2 An act for the relief of Odette Acanda and Alexis
3 Rodriguez by the Public Health Trust of Miami-Dade
4 County, d/b/a Jackson Memorial Hospital; providing for
5 an appropriation to compensate Odette Acanda and
6 Alexis Rodriguez for the death of their son, Ryan
7 Rodriguez, as a result of the negligence of employees
8 of the Public Health Trust of Miami-Dade County;
9 providing a limitation on the payment of fees and
10 costs; providing an effective date.

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12 WHEREAS, Ryan Rodriguez, the son of Odette Acanda and
13 Alexis Rodriguez, was born prematurely on February 5, 2005, to
14 Odette Acanda at Jackson Memorial Hospital, and

15 WHEREAS, after delivery, Ryan Rodriguez was provided with
16 oxygen through respiratory equipment that was contaminated with
17 Pseudomonas bacteria, due to improper infection control measures
18 by employees of the hospital, and

19 WHEREAS, on February 8, 2005, a positive nasopharyngeal
20 culture revealed that Ryan Rodriguez suffered from a Pseudomonas
21 infection, and

22 WHEREAS, physicians and other hospital employees failed to
23 review the lab report, failed to recognize the signs and
24 symptoms of the infection, and failed to follow physician
25 orders, and

26 WHEREAS, an order for antibiotics was not written until
27 February 10, 2005, and antibiotics were not provided until after
28 Ryan Rodriguez went into distress, and

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29 WHEREAS, as a result of the failure of employees to timely
 30 identify and treat the infection, Ryan Rodriguez died on
 31 February 10, 2005, and

32 WHEREAS, an autopsy report indicated that Ryan Rodriguez
 33 died as a result of the bacterial infection he acquired at the
 34 hospital, and

35 WHEREAS, suit was filed in the Eleventh Judicial Circuit in
 36 and for Miami-Dade County and a jury returned a verdict in favor
 37 of the plaintiffs, finding that the hospital was 100 percent
 38 responsible for the death of Ryan Rodriguez, and awarded damages
 39 in the amount of \$2 million, and

40 WHEREAS, the defendant appealed the jury verdict, and the
 41 final judgment entered in the plaintiff's favor was upheld by
 42 the Third District Court of Appeal, and

43 WHEREAS, the defendant appealed the ruling of the Third
 44 District Court of Appeal, and the Supreme Court of Florida
 45 affirmed the ruling, and

46 WHEREAS, the parties entered into a settlement agreement
 47 wherein they agreed to settle the case for \$999,999, of which
 48 \$200,000 has been paid in accordance with the statutory limits
 49 of liability in s. 768.28, Florida Statutes, and \$799,999
 50 remains to be paid, NOW, THEREFORE,

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52 Be It Enacted by the Legislature of the State of Florida:

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

56 Section 2. The Public Health Trust of Miami-Dade County,

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57 d/b/a Jackson Memorial Hospital, is authorized and directed to
58 appropriate from funds not otherwise encumbered and to draw a
59 warrant in the sum of \$799,999, payable to Odette Acanda and
60 Alexis Rodriguez, parents of decedent Ryan Rodriguez, as
61 compensation for the death of Ryan Rodriguez as a result of the
62 negligence of employees of the Public Health Trust of Miami-Dade
63 County.

64 Section 3. The amount paid by the Public Health Trust of
65 Miami-Dade County, d/b/a Jackson Memorial Hospital, pursuant to
66 s. 768.28, Florida Statutes, and the amount awarded under this
67 act are intended to provide the sole compensation for all
68 present and future claims arising out of the factual situation
69 described in the preamble to this act which resulted in the
70 death of Ryan Rodriguez. The total amount paid for attorney's
71 fees, lobbying fees, costs, and similar expenses relating to
72 this claim may not exceed 15 percent of the total amount awarded
73 under section 2 of this act. However, taxable costs, which may
74 not include attorney's fees and lobbying fees, related to the
75 underlying civil action may be collected in addition to 15
76 percent of the total amount awarded under section 2 of this act.

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