

By the Committee on Civil Justice & Claims and
 Representative Lynn

1 A bill to be entitled
 2 An act relating to the West Volusia Hospital
 3 Authority; providing for relief of Michelle
 4 Jones, a minor, and Kathy M. Jones, her mother;
 5 directing the West Volusia Hospital Authority
 6 to appropriate funds to be paid to Kathy Jones,
 7 individually, and for the benefit of Michelle
 8 Jones, a minor, to compensate them for injuries
 9 and damages sustained as a result of the
 10 negligence of the West Volusia Hospital
 11 Authority, formerly d/b/a West Volusia Memorial
 12 Hospital; providing an effective date.
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 14 WHEREAS, on January 3, 1987, Michelle Jones was born at
 15 West Volusia Memorial Hospital to Kathy and Thomas Jones, her
 16 parents, all residents of South Daytona, Florida, and
 17 WHEREAS, Michelle Jones suffered from neonatal
 18 hypoglycemia (low blood sugar) at birth, which was improperly
 19 treated by employees of West Volusia Memorial Hospital in
 20 violation of the hospital's own written procedures for
 21 treating neonatal hypoglycemia, and
 22 WHEREAS, West Volusia Memorial Hospital's nurses knew
 23 or should have known that the hospital's written procedures
 24 were in place because of the potential for neonatal
 25 hypoglycemia to produce brain damage if not properly treated,
 26 and
 27 WHEREAS, Michelle Jones suffered severe brain damage
 28 from the improperly treated hypoglycemia, and at age 10 cannot
 29 walk, cannot talk, cannot care for herself, has a seizure
 30 disorder, is severely and permanently impaired in all her body
 31 functions as a result of the negligence of the hospital, has

1 to be tube-fed, has to be diapered, requires 24-hour
2 supervised care and will require such care for the remainder
3 of her life, and requires frequent medical treatment,
4 including surgeries and hospitalizations for acute medical
5 problems, and

6 WHEREAS, a lawsuit filed by Michelle Jones and both her
7 parents resulted in a jury trial of more than two weeks, and
8 deliberations of the jury for more than two days, in July
9 1994, and

10 WHEREAS, the jury evaluated weeks of expert testimony
11 and concluded that the West Volusia Hospital Authority was 100
12 percent responsible for the damages sustained, despite knowing
13 that the authority was a taxing district supported by the
14 public, and despite there being other targets of blame by the
15 plaintiffs and by the authority, and

16 WHEREAS, the jury determined Michelle Jones' past and
17 future economic damages to be \$6,808,592.87, and awarded
18 Michelle Jones past and future damages for pain and suffering
19 in the amount of \$1,559,333.30, and awarded her parents
20 damages for pain and suffering in the amount of \$1,000,000
21 each, and

22 WHEREAS, in a Final Judgment entered on July 15, 1994,
23 Michelle Jones, Kathy Jones, and Thomas Jones were awarded
24 total damages in the amount of \$10,367,926.17, and

25 WHEREAS, the West Volusia Hospital Authority pursued
26 all avenues of post-trial relief and an appeal, and

27 WHEREAS, in 1996, the Fifth District Court of Appeal
28 affirmed the verdict in all respects, except to disallow
29 \$1,000,000 awarded to Thomas Jones as a matter of law based on
30 statutes of limitation, and the authority did not thereafter
31 pursue further appeal, and

1 WHEREAS, the West Volusia Hospital Authority thereafter
2 sought an Amended Final Judgment, and the plaintiffs sought
3 interest and taxable costs on the amended amount, and

4 WHEREAS, an Amended Final Judgment Including Costs and
5 Interest was entered on August 2, 1996, in the total amount of
6 \$11,714,301.54, including costs of \$98,073.09 and interest of
7 \$2,248,302.28, and

8 WHEREAS, following the entry of the Amended Final
9 Judgment, the West Volusia Hospital Authority paid \$200,000
10 pursuant to the limits set forth in section 768.28, Florida
11 Statutes, and obtained a Partial Satisfaction of Judgment in
12 that amount, and

13 WHEREAS, on August 28, 1997, the parties reached an
14 agreement wherein West Volusia Memorial Hospital agreed to pay
15 \$1,972,540, provided that the Legislature approve that amount,
16 to Kathy Jones, individually and for the benefit of Michelle
17 Jones, a minor, and that all funds in excess of attorney's
18 fees, liens, costs, and a \$32,000 mortgage note satisfaction
19 on the residence of Michelle Jones, a minor, be the basis of a
20 Special Needs Trust for the benefit of Michelle Jones, a
21 minor, NOW, THEREFORE,

22

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

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

27 Section 2. The West Volusia Hospital Authority is
28 authorized and directed to appropriate from funds of the
29 authority not otherwise appropriated and to draw a warrant in
30 the sum of \$1,972,540 payable to Kathy Jones, individually,
31 and for the benefit of Michelle Jones, a minor, to compensate

1 them for injuries and damages sustained as a result of the
2 negligence of the West Volusia Hospital Authority, and that
3 all funds in excess of attorney's fees, liens, costs and a
4 \$32,000 mortgage note satisfaction on the residence of
5 Michelle Jones, a minor, be the basis of a Special Needs Trust
6 for the benefit of Michelle Jones, a minor.

7 Section 3. This act shall take effect upon becoming a
8 law.

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