

By the Committee on Claims and Representative Ritter

1                                   A bill to be entitled  
2           An act relating to the West Volusia Hospital  
3           Authority; providing for the relief of Jose  
4           Alberto Cruz, Jr., a minor, and his parents and  
5           natural guardians, Nelida Cruz and Jose Alberto  
6           Cruz, Sr.; providing for an appropriation to  
7           compensate them for injuries and damages caused  
8           by the negligence of West Volusia Memorial  
9           Hospital; specifying use of the funds;  
10          providing an effective date.  
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12          WHEREAS, Nelida Cruz presented to West Volusia Memorial  
13          Hospital in early labor on September 16, 1992, and  
14          WHEREAS, approximately 4 hours later, she was placed on  
15          an internal fetal monitor, and Pitocin was administered to her  
16          to augment her labor, and  
17          WHEREAS, 6 hours after the Pitocin was initiated, the  
18          internal fetal monitor began evidencing prolonged variable  
19          decelerations, and the fetus's baseline heart rate changed  
20          from 150 to 110 beats per minute, and  
21          WHEREAS, the fetal monitor demonstrated 1-1/2 hours of  
22          ongoing fetal distress, but the nurse never reported the  
23          information to the obstetrician, and  
24          WHEREAS, at birth, baby Jose Alberto Cruz, Jr., had  
25          Apgar scores of 2 and 4 and had suffered irreparable and  
26          permanent brain damage due to hypoxic ischemic encephalopathy  
27          from the ongoing fetal distress, and  
28          WHEREAS, a jury trial ensued, and, on the second day of  
29          the trial, the West Volusia Hospital Authority agreed to  
30          settle for \$2 million, and  
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1           WHEREAS, the settlement agreement requires the hospital  
2 authority to pay \$200,000 immediately and to pay the balance  
3 over a 5-year period in equal annual payments of \$360,000, and

4           WHEREAS, the payment structure will not involve any tax  
5 increase in the West Volusia Hospital Authority Special Taxing  
6 District, NOW, THEREFORE,

7  
8 Be It Enacted by the Legislature of the State of Florida:

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

12           Section 2. The West Volusia Hospital Authority is  
13 authorized and directed to draw a warrant in the sum of  
14 \$1,800,000 payable to Nelida Cruz and Jose Alberto Cruz, Sr.,  
15 as parents and natural guardians of Jose Alberto Cruz, Jr., a  
16 minor, as compensation for injuries and damages caused by the  
17 negligence of West Volusia Memorial Hospital, such payment to  
18 be made in five equal annual installments of \$360,000 each,  
19 out of funds of the West Volusia Hospital Authority Special  
20 Taxing District reserve account budgeted for such a purpose.  
21 After payment of statutory attorney fees, and costs, the  
22 balance shall be paid into the existing Special Needs Trust  
23 Fund established for Jose A. Cruz, Jr.

24           Section 3. This act shall take effect upon becoming a  
25 law.