

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., for injuries and damages caused by
7 the hospital's negligence; specifying use of
8 the funds; providing an effective date.
9

10 WHEREAS, Nelida Cruz presented to West Volusia Memorial
11 Hospital in early labor on September 16, 1992, and

12 WHEREAS, approximately 4 hours later, she was placed on
13 an internal fetal monitor, and Pitocin was administered to her
14 to augment her labor, and

15 WHEREAS, 6 hours after the Pitocin was initiated, the
16 internal fetal monitor began evidencing prolonged variable
17 decelerations, and the fetus's baseline heart rate changed
18 from 150 to 110 beats per minute, and

19 WHEREAS, the fetal monitor demonstrated 1-1/2 hours of
20 ongoing fetal distress, but the nurse never reported the
21 information to the obstetrician, and

22 WHEREAS, at birth, baby Jose Alberto Cruz, Jr., had
23 Apgar scores of 2 and 4 and had suffered irreparable and
24 permanent brain damage due to hypoxic ischemic encephalopathy
25 from the ongoing fetal distress, and

26 WHEREAS, a jury trial ensued, and, on the second day of
27 the trial, the West Volusia Hospital Authority agreed to
28 settle for \$2 million, and

29 WHEREAS, the settlement agreement requires the hospital
30 authority to pay \$200,000 immediately and to pay the balance
31 over a 5-year period in equal annual payments of \$360,000, and

1 WHEREAS, the payment structure will not involve any tax
2 increase in the West Volusia Hospital Authority Special Taxing
3 District, NOW, THEREFORE,

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

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

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

20 Section 3. This act shall take effect upon becoming a
21 law.