

By Senator Silver

38-39-00

1 A bill to be entitled
2 An act relating to the South Broward Hospital
3 District; providing for the relief of Clarice
4 Holland, individually as surviving spouse of
5 Sidney Holland, Jr., deceased, and as Personal
6 Representative of the Estate of Sidney Holland,
7 Jr., deceased; providing for an appropriation
8 to compensate them for losses sustained as a
9 result of the negligence of South Broward
10 Hospital District, d.b.a. Memorial Regional
11 Hospital, which resulted in the death of Sidney
12 Holland, Jr.; providing an effective date.

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14 WHEREAS, on or about October 6, 1995, Sidney Holland,
15 Jr., was admitted to and operated on at South Broward Hospital
16 District, d.b.a. Memorial Regional Hospital, for the surgical
17 resection of an anterior temporal arterial venous
18 malformation, and

19 WHEREAS, during the operative procedure, because of
20 acts of negligence or omission by the South Broward Hospital
21 District, d.b.a. Memorial Regional Hospital, Sidney Holland,
22 Jr., suffered a massive hemorrhage resulting in severe and
23 permanent brain damage and death, and

24 WHEREAS, South Broward Hospital District, d.b.a.
25 Memorial Regional Hospital, through its agents or employees,
26 fell below the prevailing professional standard of care in its
27 treatment of Sidney Holland, Jr., deceased, by failing to
28 perform necessary procedures, and

29 WHEREAS, as a direct and proximate result of the
30 negligence of South Broward Hospital District, d.b.a. Memorial
31 Regional Hospital, Clarice Holland, individually, and as

1 Personal Representative of the Estate of Sidney Holland, Jr.,
2 deceased, has suffered the loss of a husband, a father for her
3 child, and a provider, and will continue to suffer the loss of
4 income, love, and affection of Sidney Holland, Jr., and

5 WHEREAS, on October 2, 1998, Clarice Holland,
6 individually, and as Personal Representative of the Estate of
7 Sidney Holland, Jr., deceased, and South Broward Hospital
8 District, d.b.a. Memorial Regional Hospital, entered into a
9 Mediation Agreement in Case No. 98-18216-CA(25), Circuit Court
10 of Broward County, and

11 WHEREAS, in this Mediation Agreement the parties agreed
12 to enter into a consent judgment whereby South Broward
13 Hospital District, d.b.a. Memorial Regional Hospital, would
14 pay to Clarice Holland, individually, and as Personal
15 Representative of the Estate of Sidney Holland, Jr., deceased,
16 the sum of \$1,882,500 for injuries sustained as a result of
17 negligence of South Broward Hospital District, d.b.a. Memorial
18 Regional Hospital, and

19 WHEREAS, a consent judgment was entered into between
20 the parties, causing South Broward Hospital District, d.b.a.
21 Memorial Regional Hospital, to pay \$200,000, the statutory
22 limit of liability under section 768.28, Florida Statutes, and

23 WHEREAS, the consent judgment further provides that the
24 plaintiffs may file a claim bill with the Legislature to
25 recover damages in excess of \$200,000 and that the district
26 will support a claim bill in the amount of \$1,682,500, NOW,
27 THEREFORE,

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

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

3 Section 2. The South Broward Hospital District, d.b.a.
4 Memorial Regional Hospital, is authorized and directed to
5 appropriate from funds of the hospital district not otherwise
6 appropriated and to draw a warrant in the sum of \$1,682,500
7 payable to Clarice Holland, individually, and as Personal
8 Representative of the Estate of Sidney Holland, Jr., deceased,
9 as compensation for injuries and damages sustained.

10 Section 3. This act shall take effect upon becoming a
11 law.

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