

By Senator Villalobos

37-73A-02

1 A bill to be entitled
2 An act relating to the North Broward Hospital
3 District; providing for the relief of Mark
4 Schwartz, a minor, for injuries sustained as a
5 result of the negligence of employees of the
6 Coral Springs Medical Center; providing an
7 effective date.
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9 WHEREAS, on April 29, 1997, Lori Schwartz, who was nine
10 months pregnant and in labor, presented herself at the Coral
11 Springs Medical Center, and
12 WHEREAS, Ms. Schwartz was admitted to the hospital,
13 where her difficult labor continued for many hours, and
14 WHEREAS, the nurses who cared for Ms. Schwartz during
15 her labor were aware of the difficulties of the labor and of
16 the indication of fetal distress, and
17 WHEREAS, the nurses caring for Ms. Schwartz during her
18 labor failed to assess the situation and communicate the
19 difficulties of the labor and the fetal distress to the
20 obstetrician in a timely manner, and
21 WHEREAS, as a result of the nurses' failure to timely
22 assess the situation and timely notify the physician of the
23 fetal distress, Ms. Schwartz's baby, Mark Schwartz, suffered
24 anoxic encephalopathy during deliver, and
25 WHEREAS, as a result of the lack of oxygen during his
26 birth, Mark Schwartz suffers from serious and irreversible
27 brain damage, which has left him profoundly disabled with
28 severe cognitive and motor dysfunction necessitating full-time
29 care for the rest of his life, and
30 WHEREAS, a lawsuit was filed against the North Broward
31 Hospital District and others for compensation, and

1 WHEREAS, during the litigation but before trial, the
2 parties reached a settlement, and

3 WHEREAS, pursuant to the settlement, the North Broward
4 Hospital District has agreed to pay a total of \$600,000 to
5 compensate Mark Schwartz for his injuries, and

6 WHEREAS, the hospital district has paid \$200,000,
7 pursuant to section 768.28, Florida Statutes, and agrees to
8 affirmatively support a claim bill in the amount of \$400,000,
9 NOW, THEREFORE,

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

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

15 Section 2. The North Broward Hospital District is
16 authorized and directed to appropriate from funds of the
17 district not otherwise appropriated and to draw a warrant in
18 the amount of \$400,000, payable to Lori Schwartz and Larry
19 Schwartz as parents and legal guardians of Mark Schwartz, a
20 minor, as compensation for injuries and damages sustained by
21 Mark Schwartz during his birth. After payment of attorney's
22 fees and costs, the remaining proceeds shall be placed in the
23 restricted guardianship account that has been created for the
24 benefit of Mark Schwartz.

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