

By Representative Seiler

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, Lori Schwartz was admitted to the hospital,  
13          where her difficult labor continued for many hours, and

14                  WHEREAS, the nurses who cared for Lori Schwartz during  
15          her labor were aware of the difficulties of the labor and of  
16          the indications of fetal distress, and

17                  WHEREAS, the nurses caring for Lori Schwartz during her  
18          labor failed to timely assess the situation and communicate  
19          the 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, Lori Schwartz's baby, Mark Schwartz, suffered  
24          anoxic encephalopathy during delivery, 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 prior to 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,

10  
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, parents and legal guardians of Mark Schwartz, a  
20 minor, for the benefit of Mark Schwartz, as compensation for  
21 injuries and damages sustained by Mark Schwartz during his  
22 birth. After payment of attorney's fees and costs, the  
23 remaining proceeds shall be placed in the restricted  
24 guardianship account that has been created for the benefit of  
25 Mark Schwartz.

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