

CHAMBER ACTION

1 The Committee on Judiciary recommends the following:

2  
3 **Committee Substitute**

4 Remove the entire bill and insert:

5  
6 A bill to be entitled

7 An act for the relief of Cindy Haider, wife of Jeffrey  
8 Haider, deceased, Alan Haider, adult dependent child of  
9 Jeffrey Haider, deceased, Max Haider, adult child of  
10 Jeffrey Haider, deceased, Jonathan Haider, adult child of  
11 Jeffrey Haider, deceased, and Jessica Haider, adult child  
12 of Jeffrey Haider, deceased, by the South Broward Hospital  
13 District; providing for an appropriation to compensate  
14 them for injuries and damages sustained as a result of the  
15 negligence of the South Broward Hospital District;  
16 providing for the establishment of trusts and requirements  
17 with respect thereto; providing for attorney's fees and  
18 costs; providing an effective date.

19  
20 WHEREAS, in May 2000, Jeffrey Haider, a 45-year-old man,  
21 began experiencing headaches, vomiting, fatigue, dizziness, and  
22 behavioral changes such as difficulty concentrating and  
23 confusion, and

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24 WHEREAS, as a result of these symptoms, Jeffrey Haider saw  
25 several health care providers over a period of several weeks,  
26 and

27 WHEREAS, an MRI of Jeffrey Haider was taken on May 31,  
28 2000, and

29 WHEREAS, a radiologist and a neurologist determined that  
30 Jeffrey Haider had a large mass within the right temporal lobe  
31 which was 7 x 5 centimeters in size, and

32 WHEREAS, the mass was diagnosed as a brain tumor and  
33 Jeffrey Haider was referred to a neurosurgeon, and

34 WHEREAS, the neurosurgeon who examined Jeffrey Haider  
35 agreed that the patient had a right temporal lobe tumor and  
36 recommended a craniotomy for resection of the tumor, and

37 WHEREAS, the procedure was performed on June 5, 2000, and  
38 once the incisions in the area of the middle cerebral artery  
39 were made, massive bleeding occurred, with blood gushing out of  
40 Jeffrey Haider's incisions under pulsating pressure, and

41 WHEREAS, at this point the neurosurgeon realized that the  
42 diagnosis of a tumor was incorrect and that Jeffrey Haider had  
43 an aneurysm, and

44 WHEREAS, in fact, the neurosurgeon notes in his operative  
45 report that "at this point, we felt that this probably was an  
46 aneurysm. I brought in the radiologist who felt that, in  
47 retrospect, this was a possibility," and

48 WHEREAS, an aneurysm is a permanent, abnormally blood-  
49 filled dilation of a blood vessel, usually resulting from the  
50 disease of a vessel wall, and it is common medical knowledge

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51 that puncturing an aneurysm is the incorrect treatment for a  
52 cerebral aneurysm, and

53 WHEREAS, the surgeon and the radiologist then summoned an  
54 interventional radiologist who performed an angiogram, a  
55 procedure that should have been ordered prior to the operation,  
56 and

57 WHEREAS, the intraoperative angiogram revealed a giant  
58 aneurysm filling from the right middle cerebral artery, and

59 WHEREAS, in an instance of further negligence on the part  
60 of the South Broward Hospital District, the neurosurgeon did not  
61 repair Jeffrey Haider's middle cerebral artery, but instead  
62 controlled the bleeding from the aneurysm for about 45 minutes  
63 and then closed the dura and the skull, and then sent Jeffrey  
64 Haider to the intensive care unit "with the idea of reoperating  
65 at a later time," and

66 WHEREAS, however, within hours, Jeffrey Haider was  
67 exhibiting dangerous neurological symptoms and was in need of  
68 immediate repair of the aneurysm, and

69 WHEREAS, on June 6, 2000, the repair surgery was commenced,  
70 and

71 WHEREAS, when Jeffrey Haider's skull was reopened the brain  
72 was noted to be "extremely swollen" and the "aneurysm was  
73 causing tremendous pressure on the brain and herniating through  
74 the craniotomy," and

75 WHEREAS, at that point the neurosurgeon compounded Jeffrey  
76 Haider's condition by tearing off the M1 artery from the  
77 junction of the aneurysm and the M2 artery so that he was unable  
78 to perform an anastomosis to repair and join the arteries, and

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79 WHEREAS, Dr. Rodriguez, the neurosurgeon, states in his  
80 operative report that "the larger M2 (artery), and even the  
81 other one, were essentially on the aneurysm bulbous dilation and  
82 I could not bring them together to do an anastomosis," and

83 WHEREAS, Jeffrey Haider and his family suffered  
84 astronomical economic and noneconomic damages as a result of the  
85 treatment he received from the South Broward Hospital District,  
86 and

87 WHEREAS, Jeffrey Haider was in a chronic vegetative state  
88 and required 7-day-a-week, around-the-clock care until his death  
89 on January 1, 2004, NOW, THEREFORE,

90  
91 Be It Enacted by the Legislature of the State of Florida:

92  
93 Section 1. The facts stated in the preamble to this act  
94 are found and declared to be true.

95 Section 2. The South Broward Hospital District is  
96 authorized and directed to appropriate from funds of the  
97 district not otherwise appropriated and to draw a warrant in  
98 favor of Cindy Haider, wife of Jeffrey Haider, deceased; Alan  
99 Haider, adult dependent child of Jeffrey Haider, deceased; Max  
100 Haider, adult child of Jeffrey Haider, deceased; Jonathan  
101 Haider, adult child of Jeffrey Haider, deceased; and Jessica  
102 Haider, adult child of Jeffrey Haider, deceased, in the sum of  
103 \$3,800,000 plus liquidated interest of \$46,437 for a total of  
104 \$3,846,437, as agreed to by the claimants and the district, as  
105 compensation for injuries and damages sustained as a result of  
106 the negligence of employees of the South Broward Hospital

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107 District. After payment of costs and attorney's fees as limited  
 108 by section 768.28(8), Florida Statutes, payments shall be  
 109 distributed as follows:

110 (1) Sixty percent to be paid to Cindy Haider.

111 (2) Ten percent to be paid to the trust account  
 112 established for Alan Haider pursuant to section 3.

113 (3) Ten percent to be paid to the trust account  
 114 established for Max Haider pursuant to section 3.

115 (4) Ten percent to be paid to the trust account  
 116 established for Jonathan Haider pursuant to section 3.

117 (5) Ten percent to be paid to the trust account  
 118 established for Jessica Haider pursuant to section 3.

119 Section 3. Alan Haider, Max Haider, Jonathan Haider,  
 120 Jessica Haider, and their respective attorneys shall be  
 121 required, as a condition of payment under section 2, to nominate  
 122 either a financial institution doing business in Florida or an  
 123 independent individual who is not related to the claimants by  
 124 either blood, marriage, or contract and who possesses financial  
 125 and trust management experience to act as a trustee for an  
 126 irrevocable inter vivos trust established for the benefit of  
 127 each respective claimant. The proceeds to be paid to Alan  
 128 Haider, Max Haider, Jonathan Haider, and Jessica Haider pursuant  
 129 to section 2 shall be placed in separate irrevocable inter vivos  
 130 trusts, to be used solely for the health care, support,  
 131 maintenance, and education of each respective claimant until the  
 132 claimant is 30 years of age. The trustee must take into  
 133 consideration any other resources and income of the beneficiary

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134 | of a trust before disbursing any funds from the trust to the  
135 | beneficiary.

136 |       Section 4. This act shall take effect upon becoming a law.