

Bill No. SB 504

Barcode 070744

CHAMBER ACTION

Senate

House

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The Special Master on Claim Bills recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

Section 2. The South Broward Hospital District, d/b/a Memorial Regional Hospital, is authorized and directed to appropriate the sum of \$550,000 from funds not otherwise appropriated and to draw a warrant payable to Shakima Brown, parent and legal guardian of Janaria Miller, to compensate Shakima Brown and Janaria Miller for injuries and damages sustained. Of this total amount, \$207,000 shall be used to purchase an appropriate structured financial plan, the proceeds of which shall be deposited in a Special Needs Trust created for the exclusive use and benefit of Janaria Miller.

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

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 Delete everything before the enacting clause

4

5 and insert:

6 An act relating to South Broward Hospital
7 District, d/b/a Memorial Regional Hospital;
8 providing for the relief of Shakima Brown and
9 Janaria Miller, her minor child, to compensate
10 them for injuries sustained by Janaria Miller
11 as a result of the negligence of employees of
12 the hospital; providing an appropriation;
13 providing an effective date.

14

15 WHEREAS, on December 13, 2002, Shakima Brown went to
16 Memorial Regional Hospital complaining of abdominal pain and
17 was admitted for observation because she was 8 months
18 pregnant, and

19 WHEREAS, a doctor at the hospital ordered 24-hour fetal
20 heart rate monitoring, and

21 WHEREAS, in the early morning hours of December 14,
22 2002, the fetal monitor strips showed dangerous drops in the
23 fetus's heart rate, and the low fetal heart rate continued for
24 2 or 3 hours, and

25 WHEREAS, the attending nurse failed to immediately
26 notify physician of the fetal distress and, failed to
27 initiate intrauterine resuscitative measures, and

28 WHEREAS, as a result of the nurse's failure to take
29 appropriate measures in response to the low fetal heart rate
30 date, Janaria Miller was born with permanent and irreversible
31 brain damage causing partial paralysis, seizures, delayed

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1 cognitive impairment, development, and speech, and

2 WHEREAS, Janaria has a significant permanent functional
3 impairment rating and acute functional decline, resulting in
4 total dependence on others; will require lifelong attendant
5 care; and will be unable to participate in gainful employment,
6 and

7 WHEREAS, suit was brought in the Broward County Circuit
8 Court, a settlement was reached, and, on December 13, 2006,
9 the court entered a consent judgment in favor of Shakima
10 Brown, individually, and on behalf of Janaria Miller, in the
11 amount of \$500,000, and

12 WHEREAS, the hospital has paid to the plaintiff the sum
13 of \$200,000, pursuant to the statutory limits of liability set
14 forth in s. 768.28, Florida Statutes, leaving the sum of
15 \$300,000 unpaid, and

16 WHEREAS, increasing the amount by \$250,000 is justified
17 by the damages sustained by Janaria and her mother, NOW,
18 THEREFORE,

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