

Bill No. SB 504

Barcode 242426

CHAMBER ACTION

Senate

House

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Comm: WD  
04/10/2007 10:23 PM

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The Committee on Health Regulation (Aronberg) 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                           A bill to be entitled

7           An act relating to South Broward Hospital

8           District, d/b/a Memorial Regional Hospital;

9           providing for the relief of Shakima Brown and

10          Janaria Miller, her minor child, to compensate

11          them for injuries sustained by Janaria Miller

12          as a result of the negligence of employees of

13          the hospital; providing an appropriation;

14          providing an effective date.

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16          WHEREAS, on December 13, 2002, Shakima Brown went to

17          Memorial Regional Hospital complaining of abdominal pain and

18          was admitted for observation because she was 8 months

19          pregnant, and

20          WHEREAS, a doctor at the hospital ordered 24-hour fetal

21          heart rate monitoring, and

22          WHEREAS, in the early morning hours of December 14,

23          2002, the fetal monitor strips showed dangerous drops in the

24          fetus's heart rate, and the low fetal heart rate continued for

25          2 or 3 hours, and

26          WHEREAS, the attending nurse failed to immediately

27          notify a physician of the fetal distress and, failed to

28          initiate intrauterine resuscitative measures, and

29          WHEREAS, as a result of the nurse's failure to take

30          appropriate measures in response to the low fetal heart rate

31          date, Janaria Miller was born with permanent and irreversible

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1 brain damage causing partial paralysis, seizures, delayed  
2 cognitive impairment, development, and speech, and

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

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

13           WHEREAS, the hospital has paid to the plaintiff the sum  
14 of \$200,000, pursuant to the statutory limits of liability set  
15 forth in s. 768.28, Florida Statutes, leaving the sum of  
16 \$300,000 unpaid, and

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

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