

1 WHEREAS, even after physicians were finally notified,
2 the nursing staff failed to timely carry out the orders
3 provided by the physician, and

4 WHEREAS, as a result of the nurses' failure to take
5 appropriate measures during her birth, Janaria presently
6 suffers from permanent and irreversible brain damage causing
7 partial paralysis, seizures, delayed cognitive impairment,
8 development, and speech, and

9 WHEREAS, she also has deficits in reasoning,
10 decisionmaking, and expressive and receptive language, and

11 WHEREAS, Janaria has a significant permanent functional
12 impairment rating and acute functional decline, resulting in
13 total dependence on others; will require lifelong attendant
14 care; and will be unable to participate in gainful employment,
15 and

16 WHEREAS, suit was brought in the Broward County Circuit
17 Court, a settlement was reached, and, on December 13, 2006,
18 the court entered a consent judgment in favor of Shakima
19 Brown, individually, and on behalf of Janaria Miller, in the
20 amount of \$500,000, and

21 WHEREAS, the hospital has paid to the plaintiff the sum
22 of \$200,000, pursuant to the statutory limits of liability set
23 forth in s. 768.28, Florida Statutes, leaving the sum of
24 \$300,000 unpaid, NOW, THEREFORE,

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

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

30 Section 2. The Memorial Healthcare System of Broward,
31 Inc., d/b/a Memorial Regional Hospital, is authorized and

1 directed to appropriate the sum of \$300,000 from funds not
2 otherwise appropriated and to draw a warrant payable to
3 Shakima Brown, parent and legal guardian of Janaria Miller, to
4 be placed in a special needs trust created for the exclusive
5 use and benefit of Janaria Miller, a minor, to compensate
6 Janaria Miller for injuries and damages sustained. Upon the
7 death of Janaria Miller, the trust balance shall revert to the
8 hospital.

9 Section 3. This award is intended to provide the sole
10 compensation for any and all present and future claims arising
11 out of the factual situation in connection with the injury to
12 the claimant. Not more than 25 percent of the award may be
13 paid by the claimant for attorney's fees, lobbying fees,
14 costs, or other similar expenses.

15 Section 4. This act shall take effect upon becoming a
16 law.

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18 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
19 COMMITTEE SUBSTITUTE FOR
20 Senate Bill 504

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22 The committee substitute provides that the award is intended
23 to provide the sole compensation for claims arising out of the
24 factual situation in connection with the injury to the
25 claimant. The committee substitute restricts attorney's fees,
26 lobbying fees, costs, or other similar expenses to no more
27 than 25 percent of the amount awarded.

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