

1 A bill to be entitled

2 An act for the relief of Janaria Miller, minor child of
3 Shakima Brown, by and through her parent and natural
4 guardian, Shakima Brown, and Shakima Brown, individually,
5 by Memorial Healthcare System of Broward, Inc., d/b/a
6 Memorial Regional Hospital; providing for an appropriation
7 to compensate them for injuries sustained by Janaria
8 Miller as a result of the negligence of employees of the
9 hospital; providing for the deposit of funds in a special
10 needs trust; providing for the reversion of funds;
11 providing an effective date.

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13 WHEREAS, on December 13 and 14, 2002, Janaria Miller
14 suffered fetal distress for more than 3 1/2 hours and, as a
15 result, sustained permanent and irreversible brain damage, and

16 WHEREAS, doctors at the hospital had ordered that nurses
17 oversee 24-hour monitoring of Shakima Brown, Janaria's mother,
18 during her labor and that the nurses immediately report to Ms.
19 Brown's doctor any signs of abnormal fetal heart rate, and

20 WHEREAS, beginning at approximately 11:57 p.m. on December
21 13, 2002, the fetal monitor strips depicted dangerous drops in
22 Janaria's heart rate, and the late decelerations and drops in
23 the fetal heart rate continued for several hours into the early
24 morning of December 14, and

25 WHEREAS, despite the doctor's order to call him, the nurses
26 failed to advise a physician of the fetal distress and, instead,
27 acknowledged the alert and turned it off, and

28 WHEREAS, in addition, the nurses failed to initiate

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29 necessary intrauterine resuscitative measures, and

30 WHEREAS, even after physicians were finally notified, the
31 nursing staff failed to timely carry out the orders provided by
32 the physician, and

33 WHEREAS, as a result of the nurses' failure to take
34 appropriate measures during her birth, Janaria presently suffers
35 from permanent and irreversible brain damage causing partial
36 paralysis, seizures, and delayed cognitive impairment,
37 development, and speech, and

38 WHEREAS, she also has deficits in reasoning,
39 decisionmaking, and expressive and respective language, and

40 WHEREAS, Janaria has a significant permanent functional
41 impairment rating and acute functional decline, resulting in
42 total dependence on others; will require lifelong attendant
43 care; and will be unable to participate in gainful employment,
44 and

45 WHEREAS, suit was brought in the Broward County Circuit
46 Court, a settlement was reached, and, on December 13, 2006, the
47 court entered a consent judgment in favor of Shakima Brown,
48 individually, and on behalf of Janaria Miller, in the amount of
49 \$500,000, and

50 WHEREAS, the hospital has paid to the plaintiff the sum of
51 \$200,000, pursuant to the statutory limits of liability set
52 forth in s. 768.28, Florida Statutes, leaving the sum of
53 \$300,000 unpaid, NOW, THEREFORE,

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

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

59 Section 2. The Memorial Healthcare System of Broward,
60 Inc., d/b/a Memorial Regional Hospital, is authorized and
61 directed to appropriate the sum of \$300,000 from funds not
62 otherwise appropriated and to draw a warrant payable to Shakima
63 Brown, parent and legal guardian of Janaria Miller, to be placed
64 in a special needs trust created for the exclusive use and
65 benefit of Janaria Miller, a minor, to compensate Janaria Miller
66 for injuries and damages sustained. Upon the death of Janaria
67 Miller, the trust balance shall revert to Memorial Regional
68 Hospital.

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