

1 A bill to be entitled
2 An act relating to the South Broward Hospital District;
3 providing for the relief of Janaria Miller, a minor child,
4 to compensate her for injuries sustained as a result of
5 the negligence of employees of the hospital; providing an
6 appropriation; providing a limitation on the payment of
7 fees and costs; providing an effective date.

8
9 WHEREAS, on December 13 and 14, 2002, Janaria Miller
10 suffered fetal distress for more than 3 1/2 hours and, as a
11 result, sustained permanent and irreversible brain damage, and

12 WHEREAS, doctors at Memorial Regional Hospital had ordered
13 that nurses oversee 24-hour monitoring of Shakima Brown,
14 Janaria's mother, during her labor and that the nurses
15 immediately report to Ms. Brown's doctor any signs of abnormal
16 fetal heart rate, and

17 WHEREAS, beginning at approximately 11:57 p.m. on December
18 13, 2002, the fetal monitor strips depicted dangerous drops in
19 Janaria's heart rate, and the late decelerations and drops in
20 the fetal heart rate continued for several hours into the early
21 morning of December 14, and

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

25 WHEREAS, in addition, the nurses failed to initiate
26 necessary intrauterine resuscitative measures, and

27 WHEREAS, even after physicians were finally notified, the
28 nursing staff failed to timely carry out the orders provided by

29 | the physician, and

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

35 | WHEREAS, she also has deficits in reasoning,
 36 | decisionmaking, and expressive and respective language, and

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

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

47 | WHEREAS, the hospital has paid to the plaintiff the sum of
 48 | \$200,000, pursuant to the statutory limits of liability set
 49 | forth in s. 768.28, Florida Statutes, leaving the sum of
 50 | \$300,000 unpaid, NOW, THEREFORE,

51 |
 52 | Be It Enacted by the Legislature of the State of Florida:

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

56 | Section 2. The South Broward Hospital District is

57 authorized and directed to appropriate the sum of \$300,000 from
58 funds not otherwise appropriated and to draw a warrant payable
59 to Shakima Brown, parent and legal guardian of Janaria Miller,
60 to be placed in a special needs trust created for the exclusive
61 use and benefit of Janaria Miller, a minor, to compensate
62 Janaria Miller for injuries and damages sustained. Upon the
63 death of Janaria Miller, the trust balance shall revert to
64 Shakima Brown or, in the event that Shakima Brown is deceased,
65 to the South Broward Hospital District.

66 Section 3. This award is intended to provide the sole
67 compensation for all present and future claims arising out of
68 the factual situation that resulted in the injury to Janaria
69 Miller described in this act. The total amount paid for
70 attorney's fees, lobbying fees, costs, and other similar
71 expenses relating to this claim may not exceed 25 percent of the
72 amount awarded under this act.

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