

1                   A bill to be entitled  
2           An act for the relief of Odette Acanda and Alexis  
3           Rodriguez by the Public Health Trust of Miami-Dade  
4           County, d/b/a Jackson Memorial Hospital; providing for  
5           an appropriation to compensate Odette Acanda and  
6           Alexis Rodriguez for the death of their son, Ryan  
7           Rodriguez, as a result of the negligence of employees  
8           of the Public Health Trust of Miami-Dade County;  
9           providing a limitation on the payment of fees and  
10          costs; providing an effective date.

11  
12          WHEREAS, Ryan Rodriguez, the son of Odette Acanda and  
13          Alexis Rodriguez, was born prematurely on February 5, 2005, to  
14          Odette Acanda at Jackson Memorial Hospital, and

15          WHEREAS, after delivery, Ryan Rodriguez was provided with  
16          oxygen through respiratory equipment that was contaminated with  
17          Pseudomonas bacteria, due to improper infection control measures  
18          by employees of the hospital, and

19          WHEREAS, on February 8, 2005, a positive nasopharyngeal  
20          culture revealed that Ryan Rodriguez suffered from a Pseudomonas  
21          infection, and

22          WHEREAS, physicians and other hospital employees failed to  
23          review the lab report, failed to recognize the signs and  
24          symptoms of the infection, and failed to follow physician  
25          orders, and

26          WHEREAS, an order for antibiotics was not written until  
27          February 10, 2005, and antibiotics were not provided until after  
28          Ryan Rodriguez went into distress, and

29 WHEREAS, as a result of the failure of employees to timely  
 30 identify and treat the infection, Ryan Rodriguez died on  
 31 February 10, 2005, and

32 WHEREAS, an autopsy report indicated that Ryan Rodriguez  
 33 died as a result of the bacterial infection he acquired at the  
 34 hospital, and

35 WHEREAS, suit was filed in the Eleventh Judicial Circuit in  
 36 and for Miami-Dade County and a jury returned a verdict in favor  
 37 of the plaintiffs, finding that the hospital was 100 percent  
 38 responsible for the death of Ryan Rodriguez, and awarded damages  
 39 in the amount of \$2 million, and

40 WHEREAS, the defendant appealed the jury verdict, and the  
 41 final judgment entered in the plaintiff's favor was upheld by  
 42 the Third District Court of Appeal, and

43 WHEREAS, the defendant appealed the ruling of the Third  
 44 District Court of Appeal, and the Supreme Court of Florida  
 45 affirmed the ruling, and

46 WHEREAS, the parties entered into a settlement agreement  
 47 wherein they agreed to settle the case for \$999,999, of which  
 48 \$200,000 has been paid in accordance with the statutory limits  
 49 of liability in s. 768.28, Florida Statutes, and \$799,999  
 50 remains to be paid, NOW, THEREFORE,

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

53  
 54 Section 1. The facts stated in the preamble to this act  
 55 are found and declared to be true.

56 Section 2. The Public Health Trust of Miami-Dade County,

57 d/b/a Jackson Memorial Hospital, is authorized and directed to  
58 appropriate from funds not otherwise encumbered and to draw a  
59 warrant in the sum of \$799,999, payable to Odette Acanda and  
60 Alexis Rodriguez, parents of decedent Ryan Rodriguez, as  
61 compensation for the death of Ryan Rodriguez as a result of the  
62 negligence of employees of the Public Health Trust of Miami-Dade  
63 County.

64 Section 3. The amount paid by the Public Health Trust of  
65 Miami-Dade County, d/b/a Jackson Memorial Hospital, pursuant to  
66 s. 768.28, Florida Statutes, and the amount awarded under this  
67 act are intended to provide the sole compensation for all  
68 present and future claims arising out of the factual situation  
69 described in the preamble to this act which resulted in the  
70 death of Ryan Rodriguez. The total amount paid for attorney's  
71 fees, lobbying fees, costs, and similar expenses relating to  
72 this claim may not exceed 15 percent of the total amount awarded  
73 under section 2 of this act. However, taxable costs, which may  
74 not include attorney's fees and lobbying fees, related to the  
75 underlying civil action may be collected in addition to 15  
76 percent of the total amount awarded under section 2 of this act.

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