

By Senator Diaz de la Portilla

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1                                   A bill to be entitled  
2       An act for the relief of Asia Rollins by the Public  
3       Health Trust of Miami-Dade County, d/b/a Jackson  
4       Memorial Hospital; providing an appropriation to  
5       compensate her for injuries and damages sustained as a  
6       result of the negligence of the Public Health Trust of  
7       Miami-Dade County; providing a limitation on the  
8       payment of fees and costs; providing an effective  
9       date.

10  
11       WHEREAS, on October 26, 2011, 3-year-old Asia Rollins  
12       suffered a seizure at her day care center and was taken by  
13       emergency medical personnel to Jackson Memorial Hospital, and

14       WHEREAS, at the hospital, Asia Rollins experienced  
15       difficulty breathing and was electively intubated a total of  
16       four times, during the third of which vomit was expelled from  
17       her endotracheal tube, and

18       WHEREAS, the delay between the intubations deprived Asia  
19       Rollins of oxygen for extended periods, causing her oxygen  
20       levels and heart rate to decrease, and

21       WHEREAS, as a result of her depleted oxygen levels and  
22       decreased heart rate, Asia Rollins went into asystole, and

23       WHEREAS, by the time cardiopulmonary resuscitation was  
24       completed Asia Rollins suffered a global ischemic brain injury  
25       and was subsequently diagnosed with hypoxic ischemic  
26       encephalopathy and cortical blindness, and

27       WHEREAS, Asia Rollins, now 6 years old, is unable to walk  
28       or talk and will never be able to live an independent life, and

29       WHEREAS, Asia Rollins's neurologist recommends that she

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30 receive 24-hour care for the rest of her life, and

31 WHEREAS, Asia Rollins needs assistive devices for  
32 ambulation and is unable to dress or feed herself or get around  
33 her home, which requires modification to accommodate the  
34 required assistive and therapy devices, and

35 WHEREAS, the Public Health Trust of Miami-Dade County  
36 agreed to settle Asia Rollins's claim for \$999,999, and

37 WHEREAS, \$300,000, has been paid pursuant to the statutory  
38 limits of liability in s. 768.28, Florida Statutes, and \$699,999  
39 remains to be paid, NOW, THEREFORE,

40  
41 Be It Enacted by the Legislature of the State of Florida:

42  
43 Section 1. The facts stated in the preamble to this act are  
44 found and declared to be true.

45 Section 2. The Public Health Trust of Miami-Dade County,  
46 d/b/a Jackson Memorial Hospital, is authorized and directed to  
47 appropriate from funds not otherwise encumbered and to draw a  
48 warrant in the sum of \$699,999, payable to Asia Rollins.

49 Section 3. The amount paid by the Public Health Trust of  
50 Miami-Dade County pursuant to s. 768.28, Florida Statutes, and  
51 the amount awarded under this act are intended to provide the  
52 sole compensation for all present and future claims arising out  
53 of the factual situation described in this act which resulted in  
54 the injuries and damages to Asia Rollins.

55 Section 4. The total amount paid for attorney fees,  
56 lobbying fees, and related costs may not exceed 15 percent of  
57 the amount awarded under this act, absent a waiver of this fee  
58 limitation executed by the claimant, and in such event, the fee

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59 may not exceed 25 percent of the total amount awarded under this  
60 act.

61 Section 5. This act shall take effect upon becoming a law.