

By the Committees on Appropriations; and Judiciary; and Senator Diaz de la Portilla

576-04496-15

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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.

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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,

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

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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 the Supplemental Care
49 Trust for the Benefit of Asia Rose Rollins or other special
50 needs trust for the exclusive use and benefit of Asia Rollins.

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

57 Section 4. The total amount paid for attorney fees,
58 lobbying fees, costs, and other similar expenses relating to

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

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