

HB 6519

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1                                   A bill to be entitled  
2           An act for the relief of Jamiyah Mitchell, Latricia  
3           Mitchell, and Jerald Mitchell by the South Broward  
4           Hospital District; providing an appropriation to  
5           compensate Latricia Mitchell and Jerald Mitchell,  
6           individually and as legal guardians of Jamiyah  
7           Mitchell, for injuries and damages sustained as a  
8           result of the negligence of the South Broward Hospital  
9           District; providing a limitation on the payment of  
10          compensation and attorney fees; providing an effective  
11          date.

12  
13           WHEREAS, on October 8, 2008, Latricia Mitchell, who was  
14          pregnant, went to Memorial Hospital West, operated by the South  
15          Broward Hospital District, with pain, vaginal bleeding, and  
16          contractions, and

17           WHEREAS, fetal monitoring tracings, which began at 4:33  
18          p.m., reflected a fetal tachycardia, minimal fetal heart rate  
19          variability, and the absence of accelerations, and

20           WHEREAS, at approximately 5:54 p.m., Latricia Mitchell was  
21          admitted to Memorial Hospital West, and

22           WHEREAS, medical records reflect that, at 6:29 p.m.,  
23          continued fetal tachycardia, minimal fetal heart rate  
24          variability, the absence of accelerations, and variable  
25          decelerations were present, and

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26 WHEREAS, the minimal variability and absence of  
27 acceleration observations continued until approximately 8:44  
28 p.m., when Jamiyah Mitchell was finally delivered by caesarean  
29 section, and

30 WHEREAS, the hospital's records indicate that the caesarean  
31 section was performed due to a nonreassuring fetal heart rate,  
32 and

33 WHEREAS, upon Jamiyah's birth, there was a presence of  
34 meconium-stained fluids, a sign of fetal asphyxiation, and her  
35 Apgar score was 3 out of 10, and

36 WHEREAS, Jamiyah suffered a left hemisphere stroke, began  
37 having seizures immediately at birth, and was cared for in the  
38 neonatal intensive care unit for 7 days after her birth for  
39 respiratory distress and seizure activity, and

40 WHEREAS, Jamiyah was also diagnosed with fetal hypoxic-  
41 ischemic encephalopathy, and magnetic resonance imaging of her  
42 brain at 4 days old showed objective findings of a stroke in the  
43 left hemisphere of the brain and a hemorrhage of the occipital  
44 horn of the right lateral ventricle, and

45 WHEREAS, today, Jamiyah is 12 years old and, while she is  
46 able to walk and function in most aspects of everyday life for  
47 an average girl her age, she suffers from attention-  
48 deficit/hyperactivity disorder and has a learning disability,  
49 and

50 WHEREAS, on or about October 10, 2013, Latricia Mitchell

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51 and Jerald Mitchell, Latricia Mitchell's spouse and Jamiyah's  
 52 father, individually and on behalf of Jamiyah Mitchell, filed a  
 53 legal action in the Circuit Court of the 17th Judicial Circuit,  
 54 in and for Broward County, Case No. 14-005044, against the South  
 55 Broward Hospital District and other parties, alleging, in part,  
 56 negligence of the district in failing to establish adequate  
 57 protocols and procedures for the admission, monitoring,  
 58 evaluation, testing, and referral to medical specialists of  
 59 mothers presenting with risk factors for fetal distress,  
 60 including timely caesarean section and appropriate oxygenation  
 61 and ventilation, and

62 WHEREAS, on or about July 3, 2019, Latricia and Jerald  
 63 Mitchell, individually and as legal guardians of Jamiyah  
 64 Mitchell, and the South Broward Hospital District entered into a  
 65 settlement agreement, and

66 WHEREAS, the settlement agreement provides for the payment  
 67 of \$200,000 by the South Broward Hospital District to Latricia  
 68 and Jerald Mitchell, individually and as legal guardians of  
 69 Jamiyah Mitchell, pursuant to the statutory limit under s.  
 70 768.28, Florida Statutes; the entry of a consent judgment in the  
 71 amount of \$995,000 which limits execution to \$795,000; and the  
 72 South Broward Hospital District's agreement that it supports a  
 73 claim bill in the amount of \$795,000, NOW, THEREFORE,

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

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

79       Section 2. The South Broward Hospital District is  
80 authorized and directed to appropriate from funds not otherwise  
81 encumbered and to draw a warrant in the sum of \$795,000 payable  
82 to Latricia and Jerald Mitchell, individually and as legal  
83 guardians of Jamiyah Mitchell, as compensation for injuries and  
84 damages sustained.

85       Section 3. The amount paid by the South Broward Hospital  
86 District pursuant to s. 768.28, Florida Statutes, and the amount  
87 awarded under this act are intended to provide the sole  
88 compensation for all present and future claims arising out of  
89 the factual situation described in this act which resulted in  
90 injuries and damages to Jamiyah Mitchell, Latricia Mitchell, and  
91 Jerald Mitchell. The total amount paid for attorney fees  
92 relating to this claim may not exceed 25 percent of the amount  
93 awarded under this act.

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