

By the Committee on Judiciary; and Senator Rodriguez

590-02782-22

202274c1

1 A bill to be entitled
2 An act for the relief of Harry Augustin Shumow by the
3 Public Health Trust of Miami-Dade County, d/b/a
4 Jackson Memorial Hospital; providing for an
5 appropriation to compensate him for injuries sustained
6 as a result of the negligence of an employee of the
7 Public Health Trust of Miami-Dade County; providing a
8 limitation on the payment of compensation and attorney
9 fees, lobbying fees, and other costs or similar
10 expenses; providing an effective date.

11
12 WHEREAS, on August 22, 2017, 6-year-old Harry Augustin
13 Shumow, suffering from dehydration, fever, and lethargy, was
14 diagnosed with acute liver failure, hypoglycemia, dehydration,
15 and hypotension, as well as early signs of acute kidney injury,
16 and

17 WHEREAS, Harry was admitted to Jackson Memorial Hospital
18 and from approximately August 24, 2017, to September 8, 2017,
19 showed steady and significant physical, cognitive, and
20 neurological improvements, and

21 WHEREAS, on September 8, 2017, when a lab technician tested
22 Harry's hemoglobin levels, they had decreased significantly
23 overnight, signaling the possibility of severe anemia, and

24 WHEREAS, mistakenly attributing the significant change in
25 hemoglobin levels to sample contamination, the lab technician
26 canceled the lab results and requested blood be redrawn from
27 Harry, and

28 WHEREAS, when Harry's blood was retested approximately 12
29 hours later, the hemoglobin levels were even lower than the

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30 first test, and it was discovered that Harry had been bleeding
31 internally from an earlier kidney biopsy procedure, and

32 WHEREAS, shortly thereafter, exhibiting low blood pressure
33 and a slowed heart rate, Harry went into cardiac arrest and did
34 not fully recover until approximately 1 hour later, and

35 WHEREAS, as a result of prolonged oxygen deprivation from
36 the cardiac arrest, Harry suffered severe hypoxic ischemic
37 encephalopathy, a type of brain injury, which resulted in
38 significant neurological disabilities that left Harry
39 quadriplegic, unable to verbally communicate, epileptic, and
40 subject to painful involuntary muscle spasms, among other
41 things, and

42 WHEREAS, Moses and Rose Shumow, as parents and natural
43 guardians of Harry, filed a lawsuit in the Circuit Court of the
44 Eleventh Judicial Circuit in and for Miami-Dade County under
45 case number 2019-15810-CA-01, alleging that the Public Health
46 Trust of Miami-Dade County, d/b/a Jackson Memorial Hospital,
47 through its employees, was the direct and proximate cause of the
48 injuries to Harry, and

49 WHEREAS, the Public Health Trust of Miami-Dade County has
50 agreed to settle Harry Augustin Shumow's claim for \$5.3 million,
51 \$300,000 of which will be paid by the Public Health Trust of
52 Miami-Dade County pursuant to the statutory limits of liability
53 in s. 768.28, Florida Statutes, and the remaining \$5 million of
54 which is conditioned upon the Legislature's passage of a claim
55 bill, NOW, THEREFORE,

56
57 Be It Enacted by the Legislature of the State of Florida:
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59 Section 1. The facts stated in the preamble to this act are
60 found and declared to be true.

61 Section 2. The Public Health Trust of Miami-Dade County,
62 d/b/a Jackson Memorial Hospital, is authorized and directed to
63 appropriate from funds not otherwise encumbered and to draw a
64 warrant in the sum of \$5 million payable to the special needs
65 trust created for the exclusive use and benefit of Harry
66 Augustin Shumow as compensation for injuries and damages
67 sustained.

68 Section 3. The amount paid by the Public Health Trust of
69 Miami-Dade County pursuant to s. 768.28, Florida Statutes, and
70 the amount awarded under this act are intended to provide the
71 sole compensation for all present and future claims arising out
72 of the factual situation described in this act which resulted in
73 injuries and damages to Harry Augustin Shumow. The total amount
74 paid for attorney fees relating to this claim may not exceed \$1
75 million, the total amount paid for lobbying fees may not exceed
76 \$250,000, and the total amount paid for costs or other similar
77 expenses may not exceed \$133,344.06.

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