

202316e1

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, attorney fees, lobby fees, and certain  
11          costs and expenses; providing an effective 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., Mrs. 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

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

202316e1

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, Jamiyah is now a teenager and while she is able to  
46 walk and function in most aspects of everyday life in a manner  
47 typical for 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, Mrs. Mitchell and  
51 Jerald Mitchell, Mrs. Mitchell's spouse and Jamiyah's father,  
52 individually and on behalf of Jamiyah, filed a legal action in  
53 the Circuit Court of the 17th Judicial Circuit, in and for  
54 Broward County, Case No. 14-005044, against the South Broward  
55 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

202316e1

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, Mr. and Mrs. Mitchell,  
63 individually and as legal guardians of Jamiyah, and the South  
64 Broward Hospital District entered into a settlement agreement,  
65 and

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

74

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

76

77 Section 1. The facts stated in the preamble to this act are  
78 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 Mikel Taft, as trustee of the Special Needs Trust for the  
83 Benefit of Jamiyah Mitchell.

84 Section 3. The amount paid by the South Broward Hospital  
85 District pursuant to s. 768.28, Florida Statutes, and the amount  
86 awarded under this act are intended to provide the sole  
87 compensation for all present and future claims arising out of

202316e1

88 the factual situation described in this act which resulted in  
89 injuries and damages to Jamiyah Mitchell, Latricia Mitchell, and  
90 Jerald Mitchell. The total amount paid for attorney fees may not  
91 exceed \$143,100, the total amount paid for lobbying fees may not  
92 exceed \$55,650, and the total amount paid for costs and other  
93 similar expenses may not exceed \$35,240.66.

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