2023

| 1 | A bill to be entitled |
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| 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., 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 |
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CODING: Words stricken are deletions; words underlined are additions.

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

WHEREAS, Jamiyah was also diagnosed with fetal hypoxicischemic encephalopathy, and magnetic resonance imaging of her brain at 4 days old showed objective findings of a stroke in the left hemisphere of the brain and a hemorrhage of the occipital 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

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WHEREAS, on or about October 10, 2013, Mrs. Mitchell and

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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 Broward County, Case No. 14-005044, against the South Broward 54 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, evaluation, testing, and referral to medical specialists of 58 59 mothers presenting with risk factors for fetal distress, including timely caesarean section and appropriate oxygenation 60 61 and ventilation, and

WHEREAS, on or about July 3, 2019, Mr. and Mrs. Mitchell, individually and as legal guardians of Jamiyah, and the South Broward Hospital District entered into a settlement agreement, and

66 WHEREAS, the settlement agreement provides for the payment of \$200,000 by the South Broward Hospital District to Mr. and 67 68 Mrs. Mitchell, individually and as legal guardians of Jamiyah, 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,

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

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76 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 encumbered and to draw a warrant in the sum of \$795,000 payable 81 82 to Latricia Mitchell and Jerald Mitchell, individually and as 83 legal guardians of Jamiyah Mitchell, as compensation for 84 injuries and damages sustained. 85 Section 3. The amount paid by the South Broward Hospital District pursuant to s. 768.28, Florida Statutes, and the amount 86 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.

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