

By Senator Rodriguez

40-00145-25

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1 A bill to be entitled

2 An act for the relief of Eric Miles, Jr., and Jennifer
3 Miles, as copersonal representatives of their minor
4 son, E.E.M., by the South Broward Hospital District,
5 d/b/a Joe DiMaggio Children's Hospital; providing for
6 an appropriation to compensate Eric Miles, Jr., and
7 Jennifer Miles for the injuries and damages sustained
8 by their son as a result of the negligence of the
9 South Broward Hospital District; providing a
10 limitation on compensation and the payment of attorney
11 fees; providing an effective date.
12

13 WHEREAS, on December 24, 2017, E.E.M., the 17-month-old son
14 of Eric Miles, Jr., and Jennifer Miles, was taken to the
15 emergency department of Joe DiMaggio Children's Hospital in
16 Broward County with complaints of an intermittent cough,
17 irritability, and a decreased oral intake, and

18 WHEREAS, E.E.M. had radiographs taken and was discharged
19 later that day, and

20 WHEREAS, over the next 24 to 36 hours, E.E.M.'s condition
21 worsened, with additional symptoms of lethargy, fatigue, fever,
22 diarrhea, and blood and mucus in his stools, and

23 WHEREAS, on December 26, 2017, E.E.M. returned to the
24 emergency department of Joe DiMaggio Children's Hospital with
25 lethargy and severe dehydration, and

26 WHEREAS, E.E.M. was diagnosed with hypoglycemia,
27 thrombocytopenia, hepatitis, and a prolonged coagulation
28 profile, and his laboratory values were significantly abnormal,
29 and

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30 WHEREAS, that same day, due to his having a distended
31 abdomen, E.E.M. was given an abdominal ultrasound, which
32 indicated no inversion of one portion of the intestines within
33 another, but did show findings involving the appendix, and
34 clinical correlation was recommended, and

35 WHEREAS, on December 27, 2017, E.E.M.'s distended abdomen
36 had become tympanic, and he experienced tachycardia, blood in
37 his stool, and laboratory values that were still significantly
38 abnormal, and

39 WHEREAS, an abdominal X-ray taken later that day showed
40 nonspecific gaseous bowel distention with air and stool
41 throughout the large intestine, and

42 WHEREAS, E.E.M.'s condition worsened over the next few
43 days, with his abdomen still distended, a perianal lesion that
44 was worsening, and lab values that were still significantly
45 abnormal, and

46 WHEREAS, on December 30, 2017, E.E.M. had another X-ray of
47 his abdomen, which showed gaseous distention of the stomach with
48 air identified in the abdomen, and his laboratory values
49 continued to be significantly abnormal, and

50 WHEREAS, on December 31, 2017, E.E.M. had a chest X-ray and
51 babygram X-ray that both indicated gaseous gastric distention,
52 as well as an abdominal ultrasound that showed complex fluid
53 throughout the abdomen and pelvis, and that a CT scan could be
54 performed if clinically warranted, and

55 WHEREAS, on January 1, 2018, the clinical record indicated
56 that E.E.M. had not had a bowel movement in 8 days, with
57 decreased bowel sounds, and a distended abdomen, and

58 WHEREAS, on January 3, 2018, E.E.M. had an X-ray with

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59 contrast which indicated "suspicious" for small bowel
60 obstruction, and an X-ray performed an hour later indicated
61 "highly suspicious" for a small bowel obstruction, and

62 WHEREAS, on January 4, 2018, E.E.M. had another X-ray with
63 contrast of his chest and abdomen which showed that the contrast
64 liquid did not advance through the small bowel, indicating an
65 issue with obstruction, and

66 WHEREAS, although E.E.M.'s symptoms, laboratory values, and
67 radiological and other clinical findings were consistent with an
68 intestinal blockage or rupture, Joe DiMaggio Children's Hospital
69 medical staff failed to appropriately evaluate and diagnose
70 E.E.M.'s condition, and

71 WHEREAS, on January 5, 2018, E.E.M. was transferred to
72 Holtz Children's Hospital at Jackson Memorial Hospital in Miami-
73 Dade County, and

74 WHEREAS, upon admission at Holtz, E.E.M. was suffering from
75 sepsis with multiorgan failure, among other life-threatening
76 conditions, and underwent a CT scan that showed evidence of a
77 bowel perforation, and

78 WHEREAS, on January 6, 2018, only hours after admission,
79 E.E.M. underwent an exploratory laparotomy, a small bowel
80 resection, an ileostomy, and a mucous transverse colostomy
81 fistula, and, over the next few weeks, had numerous other
82 surgeries associated with small bowel obstruction, and

83 WHEREAS, on May 28, 2020, Mr. and Mrs. Miles filed suit in
84 the 17th Judicial Circuit, in and for Broward County, case no.
85 20-008839, against the South Broward Hospital District, d/b/a
86 Joe DiMaggio Children's Hospital and other parties, alleging, in
87 part, negligence of the district and its providers in failing to

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88 properly evaluate, diagnose, and treat E.E.M.'s small bowel
89 obstruction, and

90 WHEREAS, E.E.M. suffered life-altering and horrific
91 injuries and damages, such as significant anal dilation; kidney
92 stones; the loss of his terminal ileum, right colon, omentum,
93 appendix, and significant portions of his small intestine; and
94 missed significant developmental milestones, and

95 WHEREAS, on September 1, 2023, E.E.M. passed away at 7
96 years of age, and

97 WHEREAS, in May 2024, Mr. and Mrs. Miles, as the copersonal
98 representatives of E.E.M., and the South Broward Hospital
99 District, d/b/a Joe DiMaggio Children's Hospital entered into a
100 settlement agreement, and

101 WHEREAS, the settlement agreement provides for the payment
102 of \$200,000, by the South Broward Hospital District to Mr. and
103 Mrs. Miles, as copersonal representatives of E.E.M., pursuant to
104 the statutory limit under s. 768.28, Florida Statutes; the entry
105 of a consent judgment in the amount of \$200,000; and the South
106 Broward Hospital District's agreement that it supports a claim
107 bill in the amount of \$200,000, NOW, THEREFORE,

108

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

110

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

113 Section 2. The South Broward Hospital District is
114 authorized and directed to appropriate from funds not otherwise
115 encumbered and to draw a warrant in the sum of \$200,000 payable
116 to Eric Miles, Jr., and Jennifer Miles, as copersonal

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117 representatives of E.E.M., as compensation for injuries and
118 damages sustained.

119 Section 3. The amount paid by the South Broward Hospital
120 District pursuant to s. 768.28, Florida Statutes, and the amount
121 awarded under this act are intended to provide the sole
122 compensation for all present and future claims arising out of
123 the factual situation described in this act which resulted in
124 injuries and damages to E.E.M., Eric Miles, Jr., and Jennifer
125 Miles. The total amount paid for attorney fees relating to this
126 claim may not exceed 25 percent of the total amount awarded
127 under this act.

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