

By the Committee on Rules; and Senator Rodriguez

595-03373-25

202522c1

A bill to be entitled

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, on January 1, 2018, the clinical record indicated that E.E.M. had not had a bowel movement in 3 days, with decreased bowel sounds, and a distended abdomen, and

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, in May 2024, Mr. and Mrs. Miles, as the copersonal representatives of E.E.M., and the South Broward Hospital District, d/b/a Joe DiMaggio Children's Hospital entered into a settlement agreement for \$500,000, and

WHEREAS, in accordance with s. 768.28, Florida Statutes, the South Broward Hospital District paid \$300,000 to Mr. and Mrs. Miles, as copersonal representatives of E.E.M., and

WHEREAS, the settlement agreement provides for the entry of a consent judgment for the remaining amount of \$200,000 and the South Broward Hospital District's agreement that it supports a claim bill in the amount of \$200,000, NOW, THEREFORE,

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

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

Section 2. The South Broward Hospital District is authorized and directed to appropriate from funds not otherwise encumbered and to draw a warrant in the sum of \$200,000 payable 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.