

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

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 3 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  
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  
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, pursuant to the settlement agreement, the South  
102 Broward Hospital District paid the statutory limit of \$300,000  
103 in damages allowed under s. 768.28, Florida Statutes, and

104 WHEREAS, the settlement agreement provides for the further  
105 payment of \$200,000, by the South Broward Hospital District to  
106 Mr. and Mrs. Miles, as copersonal representatives of E.E.M.,  
107 pursuant to the statutory limit under s. 768.28, Florida  
108 Statutes; the entry of a consent judgment in the amount of  
109 \$200,000; and the South Broward Hospital District's agreement  
110 that it supports a claim bill in the amount of \$200,000, NOW,  
111 THEREFORE,

112  
113 Be It Enacted by the Legislature of the State of Florida:

114  
115 **Section 1.** The facts stated in the preamble to this act  
116 are found and declared to be true.

117 **Section 2.** The South Broward Hospital District is  
118 authorized and directed to appropriate from funds not otherwise  
119 encumbered and to draw a warrant in the sum of \$200,000 payable  
120 to Eric Miles, Jr., and Jennifer Miles, as copersonal  
121 representatives of E.E.M., as compensation for injuries and  
122 damages sustained.

123 **Section 3.** The amount paid by the South Broward Hospital  
124 District pursuant to s. 768.28, Florida Statutes, and the amount  
125 awarded under this act are intended to provide the sole

126 | compensation for all present and future claims arising out of  
127 | the factual situation described in this act which resulted in  
128 | injuries and damages to E.E.M., Eric Miles, Jr., and Jennifer  
129 | Miles. The total amount paid for attorney fees relating to this  
130 | claim may not exceed 25 percent of the total amount awarded  
131 | under this act.

132 |       **Section 4.** This act shall take effect upon becoming a law.