

CHAPTER 2012-246

Committee Substitute for House Bill No. 877

An act for the relief of Odette Acanda and Alexis Rodriguez by the Public Health Trust of Miami-Dade County, d/b/a Jackson Memorial Hospital; providing for an appropriation to compensate Odette Acanda and Alexis Rodriguez for the death of their son, Ryan Rodriguez, as a result of the negligence of employees of the Public Health Trust of Miami-Dade County; providing a limitation on the payment of fees and costs; providing an effective date.

WHEREAS, Ryan Rodriguez, the son of Odette Acanda and Alexis Rodriguez, was born prematurely on February 5, 2005, to Odette Acanda at Jackson Memorial Hospital, and

WHEREAS, after delivery, Ryan Rodriguez was provided with oxygen through respiratory equipment that was contaminated with Pseudomonas bacteria, due to improper infection control measures by employees of the hospital, and

WHEREAS, on February 8, 2005, a positive nasopharyngeal culture revealed that Ryan Rodriguez suffered from a Pseudomonas infection, and

WHEREAS, physicians and other hospital employees failed to review the lab report, failed to recognize the signs and symptoms of the infection, and failed to follow physician orders, and

WHEREAS, an order for antibiotics was not written until February 10, 2005, and antibiotics were not provided until after Ryan Rodriguez went into distress, and

WHEREAS, as a result of the failure of employees to timely identify and treat the infection, Ryan Rodriguez died on February 10, 2005, and

WHEREAS, an autopsy report indicated that Ryan Rodriguez died as a result of the bacterial infection he acquired at the hospital, and

WHEREAS, suit was filed in the Eleventh Judicial Circuit in and for Miami-Dade County and a jury returned a verdict in favor of the plaintiffs, finding that the hospital was 100 percent responsible for the death of Ryan Rodriguez, and awarded damages in the amount of \$2 million, and

WHEREAS, the defendant appealed the jury verdict, and the final judgment entered in the plaintiff's favor was upheld by the Third District Court of Appeal, and

WHEREAS, the defendant appealed the ruling of the Third District Court of Appeal, and the Supreme Court of Florida affirmed the ruling, and

WHEREAS, the parties entered into a settlement agreement wherein they agreed to settle the case for \$999,999, of which \$200,000 has been paid in accordance with the statutory limits of liability in s. 768.28, Florida Statutes, and \$799,999 remains to be paid, 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 Public Health Trust of Miami-Dade County, d/b/a Jackson Memorial Hospital, is authorized and directed to appropriate from funds not otherwise encumbered and to draw a warrant in the sum of \$799,999, payable to Odette Acanda and Alexis Rodriguez, parents of decedent Ryan Rodriguez, as compensation for the death of Ryan Rodriguez as a result of the negligence of employees of the Public Health Trust of Miami-Dade County.

Section 3. The amount paid by the Public Health Trust of Miami-Dade County, d/b/a Jackson Memorial Hospital, pursuant to s. 768.28, Florida Statutes, and the amount awarded under this act are intended to provide the sole compensation for all present and future claims arising out of the factual situation described in the preamble to this act which resulted in the death of Ryan Rodriguez. The total amount paid for attorney's fees, lobbying fees, costs, and similar expenses relating to this claim may not exceed 15 percent of the total amount awarded under section 2 of this act. However, taxable costs, which may not include attorney's fees and lobbying fees, related to the underlying civil action may be collected in addition to 15 percent of the total amount awarded under section 2 of this act.

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

Approved by the Governor March 29, 2012.

Filed in Office Secretary of State March 29, 2012.