

CHAPTER 2022-229

Committee Substitute for Senate Bill No. 74

An act for the relief of Harry Augustin Shumow by the Public Health Trust of Miami-Dade County, d/b/a Jackson Memorial Hospital; providing for an appropriation to compensate him for injuries sustained as a result of the negligence of an employee of the Public Health Trust of Miami-Dade County; providing a limitation on the payment of compensation and attorney fees, lobbying fees, and other costs or similar expenses; providing an effective date.

WHEREAS, on August 22, 2017, 6-year-old Harry Augustin Shumow, suffering from dehydration, fever, and lethargy, was diagnosed with acute liver failure, hypoglycemia, dehydration, and hypotension, as well as early signs of acute kidney injury, and

WHEREAS, Harry was admitted to Jackson Memorial Hospital and from approximately August 24, 2017, to September 8, 2017, showed steady and significant physical, cognitive, and neurological improvements, and

WHEREAS, on September 8, 2017, when a lab technician tested Harry's hemoglobin levels, they had decreased significantly overnight, signaling the possibility of severe anemia, and

WHEREAS, mistakenly attributing the significant change in hemoglobin levels to sample contamination, the lab technician canceled the lab results and requested blood be redrawn from Harry, and

WHEREAS, when Harry's blood was retested approximately 12 hours later, the hemoglobin levels were even lower than the first test, and it was discovered that Harry had been bleeding internally from an earlier kidney biopsy procedure, and

WHEREAS, shortly thereafter, exhibiting low blood pressure and a slowed heart rate, Harry went into cardiac arrest and did not fully recover until approximately 1 hour later, and

WHEREAS, as a result of prolonged oxygen deprivation from the cardiac arrest, Harry suffered severe hypoxic ischemic encephalopathy, a type of brain injury, which resulted in significant neurological disabilities that left Harry quadriplegic, unable to verbally communicate, epileptic, and subject to painful involuntary muscle spasms, among other things, and

WHEREAS, Moses and Rose Shumow, as parents and natural guardians of Harry, filed a lawsuit in the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County under case number 2019-15810-CA-01, alleging that the Public Health Trust of Miami-Dade County, d/b/a Jackson Memorial Hospital, through its employees, was the direct and proximate cause of the injuries to Harry, and

WHEREAS, the Public Health Trust of Miami-Dade County has agreed to settle Harry Augustin Shumow’s claim for \$5.3 million, \$300,000 of which will be paid by the Public Health Trust of Miami-Dade County pursuant to the statutory limits of liability in s. 768.28, Florida Statutes, and the remaining \$5 million of which is conditioned upon the Legislature’s passage of a claim bill, 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 \$5 million payable to the special needs trust created for the exclusive use and benefit of Harry Augustin Shumow as compensation for injuries and damages sustained.

Section 3. The amount paid by the Public Health Trust of Miami-Dade County 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 this act which resulted in injuries and damages to Harry Augustin Shumow. The total amount paid for attorney fees relating to this claim may not exceed \$1 million, the total amount paid for lobbying fees may not exceed \$250,000, and the total amount paid for costs or other similar expenses may not exceed \$133,344.06.

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

Approved by the Governor May 20, 2022.

Filed in Office Secretary of State May 20, 2022.