

CHAPTER 2023-325

Committee Substitute for Senate Bill No. 16

An act for the relief of Jamiyah Mitchell, Latricia Mitchell, and Jerald Mitchell by the South Broward Hospital District; providing an appropriation to compensate Latricia Mitchell and Jerald Mitchell, individually and as legal guardians of Jamiyah Mitchell, for injuries and damages sustained as a result of the negligence of the South Broward Hospital District; providing a limitation on the payment of compensation, attorney fees, lobby fees, and certain costs and expenses; providing an effective date.

WHEREAS, on October 8, 2008, Latricia Mitchell, who was pregnant, went to Memorial Hospital West, operated by the South Broward Hospital District, with pain, vaginal bleeding, and contractions, and

WHEREAS, fetal monitoring tracings, which began at 4:33 p.m., reflected a fetal tachycardia, minimal fetal heart rate variability, and the absence of accelerations, and

WHEREAS, at approximately 5:54 p.m., Mrs. Mitchell was admitted to Memorial Hospital West, and

WHEREAS, medical records reflect that, at 6:29 p.m., continued fetal tachycardia, minimal fetal heart rate variability, the absence of accelerations, and variable decelerations were present, and

WHEREAS, the minimal variability and absence of acceleration observations continued until approximately 8:44 p.m., when Jamiyah Mitchell was finally delivered by caesarean section, and

WHEREAS, the hospital's records indicate that the caesarean section was performed due to a nonreassuring fetal heart rate, and

WHEREAS, upon Jamiyah's birth, there was a presence of meconium-stained fluids, a sign of fetal asphyxiation, and her Apgar score was 3 out of 10, and

WHEREAS, Jamiyah suffered a left hemisphere stroke, began having seizures immediately at birth, and was cared for in the neonatal intensive care unit for 7 days after her birth for respiratory distress and seizure activity, and

WHEREAS, Jamiyah was also diagnosed with fetal hypoxic-ischemic encephalopathy, and magnetic resonance imaging of her brain at 4 days old showed objective findings of a stroke in the left hemisphere of the brain and a hemorrhage of the occipital horn of the right lateral ventricle, and

WHEREAS, Jamiyah is now a teenager and while she is able to walk and function in most aspects of everyday life in a manner typical for an average girl her age, she suffers from attention-deficit/hyperactivity disorder and has a learning disability, and

WHEREAS, on or about October 10, 2013, Mrs. Mitchell and Jerald Mitchell, Mrs. Mitchell's spouse and Jamiyah's father, individually and on behalf of Jamiyah, filed a legal action in the Circuit Court of the 17th Judicial Circuit, in and for Broward County, Case No. 14-005044, against the South Broward Hospital District and other parties, alleging, in part, negligence of the district in failing to establish adequate protocols and procedures for the admission, monitoring, evaluation, testing, and referral to medical specialists of mothers presenting with risk factors for fetal distress, including timely caesarean section and appropriate oxygenation and ventilation, and

WHEREAS, on or about July 3, 2019, Mr. and Mrs. Mitchell, individually and as legal guardians of Jamiyah, and the South Broward Hospital District entered into a settlement agreement, and

WHEREAS, the settlement agreement provides for the payment of \$200,000, by the South Broward Hospital District to the Special Needs Trust for the Benefit of Jamiyah Mitchell, pursuant to the statutory limit under s. 768.28, Florida Statutes; the entry of a consent judgment in the amount of \$995,000 which limits execution to \$795,000; and the South Broward Hospital District's agreement that it supports a claim bill in the amount of \$795,000, 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 \$795,000 payable to Mikel Taft, as trustee of the Special Needs Trust for the Benefit of Jamiyah Mitchell.

Section 3. The amount paid by the South Broward Hospital District 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 Jamiyah Mitchell, Latricia Mitchell, and Jerald Mitchell. The total amount paid for attorney fees may not exceed \$143,100, the total amount paid for lobbying fees may not exceed \$55,650, and the total amount paid for costs and other similar expenses may not exceed \$35,240.66.

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

Approved by the Governor June 9, 2023.

Filed in Office Secretary of State June 9, 2023.