

By Senator Flores

37-00173-16

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1 A bill to be entitled
2 An act for the relief of Ashaunti Seay by the Public
3 Health Trust of Miami-Dade County; providing for an
4 appropriation to compensate her for injuries and
5 damages sustained as a result of the negligence of the
6 Public Health Trust of Miami-Dade County; providing a
7 limitation on the payment of compensation, fees, and
8 costs; providing an effective date.
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10 WHEREAS, on October 16, 2014, Ashaunti Seay saw an
11 optometrist, Mark Rogers, O.D., and his examination of her eyes
12 demonstrated swelling of the optic nerve, and
13 WHEREAS, Ashaunti Seay was referred directly to the
14 Northwest Medical Center where she was seen in the emergency
15 room and underwent a CT scan of the brain, and
16 WHEREAS, the CT scan revealed the presence of a colloid
17 cyst at the foramen of Monro with associated ventriculomegaly,
18 and
19 WHEREAS, Ashaunti Seay was then transferred to Westside
20 Regional Medical Center where she was admitted overnight for
21 further evaluation and underwent an MRI of the brain, which
22 confirmed the diagnosis of a colloid cyst, and
23 WHEREAS, Ashaunti Seay was seen in consultation by a
24 neuroophthalmologist and a neurosurgeon and the decision was
25 made that she would be best served by having her transferred to
26 Jackson Memorial Hospital, and
27 WHEREAS, after her transfer to Jackson Memorial Hospital,
28 Ashaunti Seay was placed under the care of Sarah C. Jernigan,
29 M.D., who recommended the performance of an endoscopic resection

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30 of the colloid cyst, and

31 WHEREAS, on October 20, 2014, Dr. Jernigan performed an
32 endoscopic resection of the third ventricle colloid mass on
33 Ashaunti Seay at Jackson Memorial Hospital and, during the
34 course of the procedure, Ashaunti Seay suffered permanent and
35 irreversible brain damage, and

36 WHEREAS, Ashaunti Seay now has significant, permanent, and
37 lifelong neurological injuries and damages, and

38 WHEREAS, this claim was presented to the Public Health
39 Trust of Miami-Dade County, and

40 WHEREAS, the University of Miami Miller School of Medicine
41 entered into a Basic Affiliation Agreement dated November 11,
42 2013, with respect to the university's responsibility to
43 indemnify the Public Health Trust of Miami-Dade County for
44 certain claims, and

45 WHEREAS, based on the specific facts and circumstances of
46 this case and the nature of the medical care rendered to
47 Ashaunti Seay, the University of Miami Miller School of Medicine
48 is legally bound to indemnify the Public Health Trust of Miami-
49 Dade County with respect to the amount required to be paid upon
50 this bill becoming law, and

51 WHEREAS, Ashaunti Seay is hereby requesting that an
52 appropriation be made through this act for relief in the amount
53 of \$10 million, NOW, THEREFORE,

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

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

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59 Section 2. The Public Health Trust of Miami-Dade County is
60 authorized and directed to appropriate from funds not otherwise
61 encumbered and to draw a warrant in the sum of \$10 million
62 payable to Ashaunti Seay as compensation for the catastrophic
63 injuries and damages she sustained as a result of the nature of
64 her medical care. The University of Miami Miller School of
65 Medicine shall forthwith indemnify the Public Health Trust of
66 Miami-Dade County with respect to the payment of these funds.
67 After deductions for attorney fees, lobbyist fees and costs as
68 specified in this act, the net proceeds shall be paid into a
69 Special Needs Trust for the use and benefit of Ashaunti Seay.

70 Section 3. The amount paid by the Public Health Trust of
71 Miami-Dade County pursuant to s. 768.28, Florida Statutes, and
72 the amount awarded under this act are intended to provide the
73 sole compensation for all present and future claims arising out
74 of the factual situation described in this act which resulted in
75 the catastrophic injuries and damages to Ashaunti Seay. The
76 total amount paid for attorney fees, lobbying fees, costs, and
77 similar expenses relating to this claim may not exceed 25
78 percent of the amount awarded under this act.

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