

1 A bill to be entitled
 2 An act for the relief of Harry Augustin Shumow by the
 3 Public Health Trust of Miami-Dade County, d/b/a
 4 Jackson Memorial Hospital; providing for an
 5 appropriation to compensate him for injuries sustained
 6 as a result of the negligence of an employee of the
 7 Public Health Trust of Miami-Dade County; providing a
 8 limitation on the payment of compensation and attorney
 9 fees; providing an effective date.

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

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

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

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

26 Harry, and

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

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

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

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

48 WHEREAS, the Public Health Trust of Miami-Dade County has
 49 agreed to settle Harry Augustin Shumow's claim for \$5.3 million,
 50 \$300,000 of which will be paid by the Public Health Trust of

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51 Miami-Dade County pursuant to the statutory limits of liability
 52 in s. 768.28, Florida Statutes, and the remaining \$5 million of
 53 which is conditioned upon the Legislature's passage of a claim
 54 bill, NOW, THEREFORE,

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

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

60 Section 2. The Public Health Trust of Miami-Dade County,
 61 d/b/a Jackson Memorial Hospital, is authorized and directed to
 62 appropriate from funds not otherwise encumbered and to draw a
 63 warrant in the sum of \$5 million payable to the Special Needs
 64 Trust created for the exclusive use and benefit of Harry
 65 Augustin Shumow as compensation for injuries and damages
 66 sustained.

67 Section 3. The amount paid by the Public Health Trust of
 68 Miami-Dade County pursuant to s. 768.28, Florida Statutes, and
 69 the amount awarded under this act are intended to provide the
 70 sole compensation for all present and future claims arising out
 71 of the factual situation described in this act which resulted in
 72 injuries and damages to Harry Augustin Shumow. The total amount
 73 paid for attorney fees relating to this claim may not exceed 25
 74 percent of the total amount awarded under this act.

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