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

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

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

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

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

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

50 WHEREAS, on or about October 10, 2013, Mrs. Mitchell and

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

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

66 WHEREAS, the settlement agreement provides for the payment  
 67 of \$200,000 by the South Broward Hospital District to Mr. and  
 68 Mrs. Mitchell, individually and as legal guardians of Jamiyah,  
 69 pursuant to the statutory limit under s. 768.28, Florida  
 70 Statutes; the entry of a consent judgment in the amount of  
 71 \$995,000 which limits execution to \$795,000; and the South  
 72 Broward Hospital District's agreement that it supports a claim  
 73 bill in the amount of \$795,000, NOW, THEREFORE,

74

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

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76  
77       Section 1. The facts stated in the preamble to this act  
78 are found and declared to be true.

79       Section 2. The South Broward Hospital District is  
80 authorized and directed to appropriate from funds not otherwise  
81 encumbered and to draw a warrant in the sum of \$795,000 payable  
82 to Latricia Mitchell and Jerald Mitchell, individually and as  
83 legal guardians of Jamiyah Mitchell, as compensation for  
84 injuries and damages sustained.

85       Section 3. The amount paid by the South Broward Hospital  
86 District pursuant to s. 768.28, Florida Statutes, and the amount  
87 awarded under this act are intended to provide the sole  
88 compensation for all present and future claims arising out of  
89 the factual situation described in this act which resulted in  
90 injuries and damages to Jamiyah Mitchell, Latricia Mitchell, and  
91 Jerald Mitchell. The total amount paid for attorney fees  
92 relating to this claim may not exceed 25 percent of the amount  
93 awarded under this act.

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