

By Senator Grall

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

10  
11 WHEREAS, in September 2016, Elijah Brinson was admitted to  
12 Jackson Memorial Hospital for treatment of a descending aortic  
13 dissection that resulted in paraplegia, and

14 WHEREAS, Mr. Brinson underwent surgery and while receiving  
15 inpatient postoperative care at Jackson Memorial Hospital, the  
16 nursing staff failed to reposition Mr. Brinson in his hospital  
17 bed at appropriate intervals, causing Mr. Brinson to develop  
18 progressive decubitus ulcers, commonly referred to as bedsores,  
19 and

20 WHEREAS, the progressive decubitus ulcers resulted in  
21 permanent and significant scarring and disfigurement and loss of  
22 tissue and bone, for which Mr. Brinson had to undergo several  
23 related surgeries, and

24 WHEREAS, Mr. Brinson filed a lawsuit in the Circuit Court  
25 of the Eleventh Judicial Circuit in and for Miami-Dade County  
26 under case number 2019-029346-CA-01 against the Public Health  
27 Trust of Miami-Dade County, d/b/a Jackson Memorial Hospital, and  
28 other parties, alleging, in part, that the negligence of the  
29 employees of Jackson Memorial Hospital was the direct and

29-00057-27

202738\_\_

proximate cause of the injuries to Mr. Brinson, and

WHEREAS, while the case was resolved as to the other defendants, a jury found Jackson Memorial Hospital was 92 percent liable for the harm caused to Mr. Brinson, resulting in an adjusted final judgment in favor of Mr. Brinson in the amount of \$690,000, plus interest, and taxable costs in the amount of \$58,537.35, plus interest, and

WHEREAS, the Public Health Trust of Miami-Dade County has paid the statutory limit of \$200,000 in damages under s. 768.28, Florida Statutes, and

WHEREAS, this claim bill is for recovery of the excess judgment in favor of Mr. Brinson, in the amount of \$490,000, 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 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 amount of \$490,000, plus applicable postjudgment interest accruing from April 13, 2023, payable to Elijah Brinson 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

29-00057-27

202738\_\_

59 injuries and damages to Elijah Brinson. The total amount paid  
60 for attorney fees relating to this claim may not exceed 25  
61 percent of the total amount awarded under this act.

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