

PCS for HB 877

ORIGINAL

2012

1                               A bill to be entitled

2       An act for the relief of Odette Acanda and Alexis  
3       Rodriguez by the Public Health Trust of Miami-Dade  
4       County, d/b/a Jackson Memorial Hospital; providing for  
5       an appropriation to compensate Odette Acanda and  
6       Alexis Rodriguez for the death of their son, Ryan  
7       Rodriguez, as a result of the negligence of employees  
8       of the Public Health Trust of Miami-Dade County;  
9       providing a limitation on the payment of fees and  
10      costs; providing an effective date.

11  
12       WHEREAS, Ryan Rodriguez, the son of Odette Acanda and  
13      Alexis Rodriguez, was born prematurely on February 5, 2005, to  
14      Odette Acanda at Jackson Memorial Hospital, and

15       WHEREAS, after delivery, Ryan Rodriguez was provided with  
16      oxygen through respiratory equipment that was contaminated with  
17      Pseudomonas bacteria, due to improper infection control measures  
18      by employees of the hospital, and

19       WHEREAS, on February 8, 2005, a positive nasopharyngeal  
20      culture revealed that Ryan Rodriguez suffered from a Pseudomonas  
21      infection, and

22       WHEREAS, physicians and other hospital employees failed to  
23      review the lab report, failed to recognize the signs and  
24      symptoms of the infection, and failed to follow physician  
25      orders, and

26       WHEREAS, an order for antibiotics was not written until  
27      February 10, 2005, and antibiotics were not provided until after  
28      Ryan Rodriguez went into distress, and

Page 1 of 3

PCS for HB 877.DOCX

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

V

PCS for HB 877

ORIGINAL

2012

29        WHEREAS, as a result of the failure of employees to timely  
30 identify and treat the infection, Ryan Rodriguez died on  
31 February 10, 2005, and

32        WHEREAS, an autopsy report indicated that Ryan Rodriguez  
33 died as a result of the bacterial infection he acquired at the  
34 hospital, and

35        WHEREAS, suit was filed in the Eleventh Judicial Circuit in  
36 and for Miami-Dade County and a jury returned a verdict in favor  
37 of the plaintiffs, finding that the hospital was 100 percent  
38 responsible for the death of Ryan Rodriguez, and awarded damages  
39 in the amount of \$2 million, and

40        WHEREAS, the defendant appealed the jury verdict, and the  
41 final judgment entered in the plaintiff's favor was upheld by  
42 the Third District Court of Appeal, and

43        WHEREAS, the defendant appealed the ruling of the Third  
44 District Court of Appeal, and the Supreme Court of Florida  
45 affirmed the ruling, and

46        WHEREAS, the parties entered into a settlement agreement  
47 wherein they agreed to settle the case for \$999,999, of which  
48 \$200,000 has been paid in accordance with the statutory limits  
49 of liability in s. 768.28, Florida Statutes, and \$799,999  
50 remains to be paid, NOW, THEREFORE,

51  
52 Be It Enacted by the Legislature of the State of Florida:

53  
54        Section 1.   The facts stated in the preamble to this act  
55 are found and declared to be true.

56        Section 2.   The Public Health Trust of Miami-Dade County,

PCS for HB 877

ORIGINAL

2012

57 d/b/a Jackson Memorial Hospital, is authorized and directed to  
58 appropriate from funds not otherwise encumbered and to draw a  
59 warrant in the sum of \$799,999, payable to Odette Acanda and  
60 Alexis Rodriguez, parents of decedent Ryan Rodriguez, as  
61 compensation for the death of Ryan Rodriguez as a result of the  
62 negligence of employees of the Public Health Trust of Miami-Dade  
63 County.

64       Section 3. The amount paid by the Public Health Trust of  
65 Miami-Dade County, d/b/a Jackson Memorial Hospital, pursuant to  
66 s. 768.28, Florida Statutes, and the amount awarded under this  
67 act are intended to provide the sole compensation for all  
68 present and future claims arising out of the factual situation  
69 described in the preamble to this act which resulted in the  
70 death of Ryan Rodriguez. The total amount paid for attorney's  
71 fees, lobbying fees, costs, and similar expenses relating to  
72 this claim may not exceed 15 percent of the total amount awarded  
73 under section 2 of this act.

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