



279324

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
02/27/2012	.	
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The Committee on Rules (Richter) recommended the following:

1           **Senate Substitute for Amendment (387752) (with title**  
2 **amendment)**

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4           Delete everything after the enacting clause  
5 and insert:

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

8           Section 2. Lee Memorial Health System, formerly known as  
9 the Hospital Board of Directors of Lee County, is authorized and  
10 directed to appropriate from its funds and to draw the following  
11 warrants as compensation for the medical malpractice committed  
12 against Aaron Edwards:

13           (1) The sum of \$5 million, payable to the Guardianship of



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14 Aaron Edwards;

15 (2) This sum shall be payable in five equal payments of \$1  
16 million made annually over 5 years.

17 Section 3. The amount paid by Lee Memorial Health System  
18 pursuant to s. 768.28, Florida Statutes, and the amount awarded  
19 under this act are intended to provide the sole compensation for  
20 all present and future claims arising out of the factual  
21 situation described in this act which resulted in the injuries  
22 suffered by Aaron Edwards. The total amount paid for attorney  
23 fees, lobbying fees, costs, and other similar expenses relating  
24 to this claim may not exceed 25 percent of the total amount  
25 awarded under this act.

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

27  
28 ===== T I T L E A M E N D M E N T =====

29 And the title is amended as follows:

30 Delete everything before the enacting clause  
31 and insert:

32 A bill to be entitled  
33 An act for the relief of Aaron Edwards, a minor, by  
34 Lee Memorial Health System of Lee County; providing  
35 for an appropriation to compensate Aaron Edwards for  
36 damages sustained as a result of the medical  
37 negligence by employees of Lee Memorial Health System  
38 of Lee County; providing a limitation on the payment  
39 of fees and costs; providing an effective date.

40  
41 WHEREAS, Aaron Edwards was born on September 5, 2007, at  
42 Lee Memorial Hospital, and



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43           WHEREAS, Aaron Edwards suffered permanent injuries to his  
44 brain as a consequence of an acute hypoxic ischemic episode at  
45 birth, and

46           WHEREAS, after a 6-week trial, a jury in Lee County  
47 returned a verdict in favor of Aaron Edwards, finding Lee  
48 Memorial Health System 100 percent responsible for Aaron  
49 Edwards' preventable injuries and awarded a total of  
50 \$28,477,966.48 to the Guardianship of Aaron Edwards, and

51           WHEREAS, the court also awarded \$174,969.65 in taxable  
52 costs, and

53           WHEREAS, Lee Memorial Health System tendered \$200,000  
54 toward payment of this claim, in accordance with the statutory  
55 limits of liability set forth in s. 768.28, Florida Statutes,  
56 NOW, THEREFORE,