

By Representative Rojas

1                                   A bill to be entitled  
2           An act for the relief of Vernelle Lowder;  
3           providing an appropriation to compensate her  
4           for damages she sustained as a result of the  
5           negligence of the Department of Health,  
6           formerly the Department of Health and  
7           Rehabilitative Services; providing an effective  
8           date.

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10           WHEREAS, a complaint for damages was filed in Dade  
11   County, Case Number 93-16747-CA-02, and

12           WHEREAS, this lawsuit was to compensate Vernelle Lowder  
13   for damages she sustained as a result of the failure of the  
14   Department of Health and Rehabilitative Services to use proper  
15   procedures in testing, handling, storing, and transporting  
16   Vernelle Lowder's blood and by erroneously reporting that  
17   Vernelle Lowder's blood was HIV positive, and

18           WHEREAS, as a direct and proximate result of the  
19   negligence of the Department of Health and Rehabilitative  
20   Services, Vernelle Lowder has suffered mental and physical  
21   pain and suffering and costs, and

22           WHEREAS, an amended final judgment was entered against  
23   the Department of Health and Rehabilitative Services on  
24   October 19, 1994, awarding Vernelle Lowder \$350,000, which  
25   shall bear interest at the rate of 12 percent per year, NOW,  
26   THEREFORE,

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

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

218-160B-98

1           Section 2. The Executive Office of the Governor is  
 2 directed to transfer existing spending authority or establish  
 3 spending authority from unappropriated trust fund balances in  
 4 the Department of Health, formerly the Department of Health  
 5 and Rehabilitative Services, in the amount of \$350,000 to a  
 6 new category titled "Relief - Vernelle Lowder" as relief for  
 7 damages sustained.

8           Section 3. The Comptroller is directed to draw his  
 9 warrant in favor of Vernelle Lowder in the sum of \$350,000  
 10 upon funds of the Department of Health in the State Treasury  
 11 and the State Treasurer is directed to pay the same out of  
 12 such funds in the State Treasury.

13           Section 4. This act shall take effect July 1, of the  
 14 year in which enacted.

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HOUSE SUMMARY

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19 Provides an appropriation of \$350,000 to be paid from  
 20 funds of the Department of Health to Vernelle Lowder as  
 21 compensation for damages sustained due to the negligence  
 22 of the former Department of Health and Rehabilitative  
 23 Services.

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