

By the Committee on Civil Justice & Claims and  
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 for payment  
8           of Medicaid liens prior to disbursement of the  
9           warrants; providing an effective date.

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

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

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

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

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

30  
31

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

3           Section 2. The Executive Office of the Governor is  
4 directed to transfer existing spending authority or establish  
5 spending authority from unappropriated trust fund balances in  
6 the Department of Health, formerly the Department of Health  
7 and Rehabilitative Services, in the amount of \$250,000 to a  
8 new category titled "Relief - Vernelle Lowder" as relief for  
9 damages sustained.

10          Section 3. The Comptroller is directed to draw his  
11 warrant in favor of Vernelle Lowder in the amount of \$250,000  
12 plus interest in the amount of 12 percent per annum, \$180,000  
13 of which will be placed in a structured payment annuity, out  
14 of funds in the State Treasury to the credit of the Department  
15 of Health and not otherwise allocated to compensate Vernelle  
16 Lowder for her injuries.

17          Section 4. The governmental entity responsible for  
18 payment of the warrant shall make payment to the Florida  
19 Agency for Health Care Administration as complete payment and  
20 satisfaction of any and all Medicaid liens for past benefits  
21 provided, prior to the disbursement of funds to the claimant.  
22 The lien amount shall be calculated up to the date upon which  
23 this act becomes law.

24          Section 5. This act shall take effect July 1, of the  
25 year in which enacted.  
26  
27  
28  
29  
30  
31