

1                                   A bill to be entitled  
2           An act relating to the Department of Health;  
3           providing an appropriation for the relief of  
4           Vernelle Lowder, to compensate her for damages  
5           she sustained due to the negligence of the  
6           Department of Health and Rehabilitative  
7           Services; providing for payment of Medicaid  
8           liens prior to disbursement of the warrant;  
9           providing an effective date.

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11           WHEREAS, a complaint for damages was filed on behalf of  
12 Vernelle Lowder in Dade County (Case Number 93-16747-CA-02),  
13 to seek compensation for damages sustained by Vernelle Lowder  
14 due to the failure of the Department of Health and  
15 Rehabilitative Services to use proper procedures in testing,  
16 handling, storing, and transporting Vernelle Lowder's blood  
17 and the erroneous report by the department that her blood was  
18 HIV-positive, and

19           WHEREAS, as a direct and proximate result of the  
20 actions 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 State of Florida Department of Health and Rehabilitative  
25 Services on October 19, 1994, awarding Vernelle Lowder the sum  
26 of \$350,000, to bear interest at the rate of 12 percent per  
27 annum, NOW, THEREFORE,

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29 Be It Enacted by the Legislature of the State of Florida:  
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1           Section 1. The facts stated in the preamble to this  
2 act are found and declared to be true.

3           Section 2. The State of Florida Department of Health  
4 is directed to pay Vernelle Lowder the sum of \$250,000, plus  
5 interest in the amount of 12 percent per annum, to compensate  
6 her for the damages she sustained due to the negligence of the  
7 department's predecessor agency, the Department of Health and  
8 Rehabilitative Services.

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

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

23           Section 5. This act shall take effect upon becoming a  
24 law.

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