

By Representative Attkisson

1                                   A bill to be entitled  
 2           An act for the relief of Towanna Denise  
 3           Hopkins, incompetent, by and through Willie Lee  
 4           Hopkins, her father and legally appointed  
 5           guardian, Robert Keith Bowman, Jr., son of  
 6           Towanna Denise Hopkins, and Willie Lee Hopkins,  
 7           individually; authorizing and directing the  
 8           Florida Board of Regents, the University of  
 9           South Florida, and the USF Health Sciences  
 10          Center Insurance Company to compensate them for  
 11          injuries and damages sustained as a result of  
 12          the negligence of agents of the Florida Board  
 13          of Regents by and through the University of  
 14          South Florida College of Medicine; providing an  
 15          effective date.

16  
 17           WHEREAS, on April 25, 1996, Towanna Denise Hopkins was  
 18          a 31-year-old single mother raising her 15-year-old son,  
 19          Robert Keith Bowman, Jr., and

20           WHEREAS, Towanna Denise Hopkins, who was otherwise in  
 21          good health, underwent surgery to remove a benign liver tumor  
 22          on April 25, 1996, and

23           WHEREAS, physicians, including residents from the  
 24          University of South Florida, who were agents and employees of  
 25          the Board of Regents of the State of Florida were charged with  
 26          the responsibility for the surgery performed on Towanna Denise  
 27          Hopkins, as well as for her post-surgical care and management,  
 28          and

29           WHEREAS, the surgical techniques that were employed  
 30          resulted in substantial abdominal blood loss of approximately  
 31          21 liters during the course of the surgery, and

1           WHEREAS, immediately following her surgery, Towanna  
2 Denise Hopkins continued to experience significant blood loss,  
3 which continued through the evening after the surgery, as well  
4 as the next morning, and

5           WHEREAS, on the morning of April 26, 1996, immediate or  
6 emergency surgery was scheduled to correct post-surgical  
7 bleeding, and

8           WHEREAS, emergency surgery did not take place, and  
9 surgery was not performed until 1:30 p.m. on April 26, 1996,  
10 and

11           WHEREAS, as a result of uncorrected or uncontrolled  
12 post-operative bleeding, Ms. Hopkins went into cardiac and  
13 respiratory arrest during the surgery that was conducted on  
14 April 26, 1996, resulting in profound and substantial  
15 irreversible anoxic brain damage, and

16           WHEREAS, as a result of these injuries, Towanna Denise  
17 Hopkins is in a minimally conscious or comatose state with  
18 little or no cognitive function and has been and remains a  
19 patient at University Village Nursing Home and requires  
20 continuous 24-hour-a-day care, and

21           WHEREAS, Towanna Denise Hopkins has been caused to  
22 suffer physical incapacitation, mental pain and suffering,  
23 disfigurement, loss of the enjoyment of life, past and future  
24 medical expenses, loss of past wages and of future earning  
25 capacity, disability, and expenses for medical and nursing  
26 care and treatment, and

27           WHEREAS, Towanna Denise Hopkins' son, Robert Keith  
28 Bowman, Jr., sustained damages, including permanent loss of  
29 the services, comfort, companionship, and society of his  
30 mother, and

31

1           WHEREAS, a lawsuit was brought against the Florida  
2 Board of Regents and the insurer for the University of South  
3 Florida's Medical School, the USF Health Sciences Center  
4 Insurance Company, and

5           WHEREAS, this matter was scheduled for jury trial  
6 during the week of June 19, 2000, and

7           WHEREAS, prior to trial, the parties began negotiations  
8 in an effort to settle this matter and provide adequate  
9 compensation to Ms. Hopkins and her family for their losses,  
10 and

11           WHEREAS, on July 19, 2000, the parties signed a  
12 settlement agreement, in which they agreed to a compromise  
13 settlement to be paid pursuant to the settlement agreement,  
14 and

15           WHEREAS, the Florida Board of Regents and the USF  
16 Health Sciences Center Insurance Company support the claim  
17 bill and have agreed to assist in the passage of the claim  
18 bill, NOW, THEREFORE,

19  
20 Be It Enacted by the Legislature of the State of Florida:

21  
22           Section 1. The facts stated in the preamble to this  
23 act are found and declared to be true.

24           Section 2. The Florida Board of Regents, the  
25 University of South Florida, and the USF Health Sciences  
26 Center Insurance Company, collectively, are authorized and  
27 directed to appropriate from funds not otherwise appropriated  
28 and to draw a warrant in the sum of \$3,260,563 payable to  
29 Towanna Denise Hopkins, incompetent, by and through her father  
30 and legally appointed guardian, Willie Lee Hopkins, as  
31 compensation for past and future damages arising out of

1 injuries she sustained as a result of the negligence of agents  
2 of the Florida Board of Regents by and through the University  
3 of South Florida College of Medicine.

4 Section 3. The Florida Board of Regents, the  
5 University of South Florida, and the USF Health Sciences  
6 Center Insurance Company, collectively, are authorized and  
7 directed to appropriate from funds not otherwise appropriated  
8 and to draw a warrant in the sum of \$333,333 payable to Robert  
9 Keith Bowman, Jr., son of Towanna Denise Hopkins, as  
10 compensation for past and future damages arising out of  
11 injuries sustained by his mother, Towanna Denise Hopkins.

12 Section 4. The Florida Board of Regents, the  
13 University of South Florida, and the USF Health Sciences  
14 Center Insurance Company, collectively, are authorized and  
15 directed to appropriate from funds not otherwise appropriated  
16 and to draw a warrant in the sum of \$100,000 payable to Willie  
17 Lee Hopkins, individually, as compensation for past and future  
18 medical expenses incurred in providing care for his daughter,  
19 Towanna Denise Hopkins.

20 Section 5. The Comptroller is directed to draw a  
21 warrant in favor of Willie Lee Hopkins, father and legally  
22 appointed guardian of Towanna Denise Hopkins, for the benefit  
23 of Towanna Denise Hopkins, in the sum of \$3,260,563 upon funds  
24 of the Florida Board of Regents, the University of South  
25 Florida, and the USF Health Sciences Insurance Company,  
26 collectively, in the State Treasury not otherwise appropriated  
27 and the State Treasurer is directed to pay the same out of  
28 such funds in the State Treasury.

29 Section 6. The Comptroller is directed to draw a  
30 warrant in favor of Robert Keith Bowman, Jr., in the sum of  
31 \$333,333 upon funds of the Florida Board of Regents, the

