

By Senator Campbell

33-134A-02

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 Hopkins
17 is in a minimally conscious or comatose state with little or
18 no cognitive function and has been and remains a patient at
19 University Village Nursing Home and requires continuous
20 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 the terms of which are hereby adopted and incorporated by
15 reference, and

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

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

22
23 Section 1. The Florida Board of Regents, the
24 University of South Florida, and the USF Health Sciences
25 Center Insurance Company, collectively, are authorized and
26 directed to appropriate, from funds not otherwise appropriated
27 and to draw a warrant in the sum of \$3,260,563 payable to
28 Towanna Denise Hopkins, incompetent, by and through her father
29 and legally appointed guardian, Willie Lee Hopkins, as
30 compensation for past and future damages arising out of
31 injuries she sustained as a result of the negligence of agents

1 of the Florida Board of Regents by and through the University
2 of South Florida College of Medicine.

3 Section 2. The Florida Board of Regents, the
4 University of South Florida, and the USF Health Sciences
5 Center Insurance Company, collectively, are authorized and
6 directed to appropriate from funds not otherwise appropriated
7 and to draw a warrant in the sum of \$333,333 payable to Robert
8 Keith Bowman, Jr., son of Towanna Denise Hopkins, as
9 compensation for past and future damages arising out of
10 injuries sustained by his mother, Towanna Denise Hopkins.

11 Section 3. The Florida Board of Regents, the
12 University of South Florida, and the USF Health Sciences
13 Center Insurance Company, collectively, are authorized and
14 directed to appropriate from funds not otherwise appropriated
15 and to draw a warrant in the sum of \$100,000 payable to Willie
16 Lee Hopkins, individually, as compensation for past and future
17 medical expenses incurred in providing care for his daughter,
18 Towanna Denise Hopkins.

19 Section 4. The Comptroller is directed to draw a
20 warrant in favor of Willie Lee Hopkins, father and legally
21 appointed guardian of Towanna Denise Hopkins, for the benefit
22 of Towanna Denise Hopkins, in the sum of \$3,260,563 upon funds
23 of the Florida Board of Regents, the University of South
24 Florida, and the USF Health Sciences Insurance Company,
25 collectively, in the State Treasury not otherwise
26 appropriated, and the State Treasurer is directed to pay the
27 same out of such funds in the State Treasury.

28 Section 5. The Comptroller is directed to draw a
29 warrant in favor of Robert Keith Bowman, Jr., in the sum of
30 \$333,333 upon funds of the Florida Board of Regents, the
31 University of South Florida, and the USF Health Sciences

