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LEGISLATIVE ACTION

Senate

House

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Floor: WD

03/07/2012 12:44 PM

Senators Bennett and Richter moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

Section 2. Lee Memorial Health System, formerly known as
the Hospital Board of Directors of Lee County, is authorized and
directed to appropriate from its funds and to draw a warrant as
compensation for the medical malpractice committed against Aaron
Edwards in the lump sum of \$7.25 million payable into an
irrevocable special needs trust created for the exclusive use
and benefit of Aaron Edwards and drawn in compliance with 42



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14 U.S.C. s. 1396p(d)(4)(A) and the state Medicaid program where
15 Aaron Edwards is currently living.

16 Section 3. The amount paid by Lee Memorial Health System
17 pursuant to s. 768.28, Florida Statutes, and the amount awarded
18 under this act are intended to provide the sole compensation for
19 all present and future claims arising out of the factual
20 situation described in this act which resulted in the injuries
21 suffered by Aaron Edwards. The total amount paid for attorney
22 fees, lobbying fees, costs, and other similar expenses relating
23 to this claim is 10 percent of the total amount awarded under
24 this act.

25 Section 4. This act shall take effect upon becoming a law.

26
27 ===== T I T L E A M E N D M E N T =====

28 And the title is amended as follows:

29 Delete everything before the enacting clause
30 and insert:

31 A bill to be entitled
32 An act for the relief of Aaron Edwards, a minor, by
33 Lee Memorial Health System of Lee County; providing
34 for an appropriation to compensate Aaron Edwards for
35 damages sustained as a result of the medical
36 negligence by employees of Lee Memorial Health System
37 of Lee County; providing for payment of fees and
38 costs; providing an effective date.

39
40 WHEREAS, Aaron Edwards was born on September 5, 1997, at
41 Lee Memorial Hospital, and

42 WHEREAS, Aaron Edwards suffered permanent injuries to his



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43 brain as a consequence of an acute hypoxic ischemic episode at
44 birth, and

45 WHEREAS, after a 6-week trial, a jury in Lee County
46 returned a verdict in favor of Aaron Edwards, finding Lee
47 Memorial Health System 100 percent responsible for Aaron
48 Edwards' injuries and awarded a total of \$28,477,966.48 to the
49 Guardianship of Aaron Edwards, and

50 WHEREAS, the court also awarded \$174,969.65 in taxable
51 costs, and

52 WHEREAS, Lee Memorial Health System tendered \$200,000
53 toward payment of this claim, in accordance with the statutory
54 limits of liability set forth in s. 768.28, Florida Statutes,
55 NOW, THEREFORE,