

## CHAPTER 98-429

### Senate Bill No. 42

An act relating to the Department of Health; providing an appropriation for the relief of Vernelle Lowder, to compensate her for damages she sustained due to the negligence of the Department of Health and Rehabilitative Services; providing for payment of Medicaid liens prior to disbursement of the warrant; providing an effective date.

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

WHEREAS, as a direct and proximate result of the actions of the Department of Health and Rehabilitative Services, Vernelle Lowder has suffered mental and physical pain and suffering and costs, and

WHEREAS, an amended final judgment was entered against the State of Florida Department of Health and Rehabilitative Services on October 19, 1994, awarding Vernelle Lowder the sum of \$350,000, to bear interest at the rate of 12 percent per annum, NOW, THEREFORE,

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

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

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

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

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

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

Became a law without the Governor's approval May 22, 1998.

Filed in Office Secretary of State May 21, 1998.