

CHAPTER 2012-233

Committee Substitute for House Bill No. 457

An act for the relief of Denise Gordon Brown and David Brown by the North Broward Hospital District; providing for an appropriation to compensate Denise Gordon Brown and David Brown, parents of Darian Brown, for injuries and damages sustained by Darian Brown as result of the negligence of Broward General Medical Center; providing a limitation on the payment of fees and costs; providing an effective date.

WHEREAS, on January 10, 2000, Denise Gordon Brown was admitted as a high-risk obstetrical patient at Broward General Medical Center in Fort Lauderdale, Florida, and

WHEREAS, Denise Gordon Brown's physicians at Broward General Medical Center ordered continuous fetal monitoring, and

WHEREAS, on the evening of January 14, 2000, the fetal monitoring showed significant risk to the fetus, and

WHEREAS, on January 15, 2000, the monitoring indicated continued fetal tachycardia and loss of reactivity, necessitating immediate delivery, and

WHEREAS, Denise Gordon Brown's unborn child, Darian Brown, was not delivered immediately and sustained a hypoxic brain injury as a result of the delay, and

WHEREAS, Denise Gordon Brown and David Brown, the parents of Darian Brown, sought medical care and treatment that determined that Darian Brown's condition is permanent, has resulted in severe neurological damage, and requires a lifetime of round-the-clock care and treatment, and

WHEREAS, after a trial, a jury returned a verdict in favor of Denise Gordon Brown and David Brown, as parents and guardians of Darian Brown, in the amount of \$35,236,000, for the cost of care for Darian Brown, resulting in a final judgment, less setoffs and costs, in the amount of \$34,418,577, and

WHEREAS, the jury's verdict was affirmed on appeal, and

WHEREAS, pursuant to an agreement between the parties to the lawsuit, the judgment has been partially satisfied in the amount of \$10,550,000, and

WHEREAS, pursuant to the agreement, the claim shall be considered fully satisfied by the stipulation that the North Broward Hospital District will seek its self-insured retention in the amount of \$2 million as authorized by the Florida Legislature through a claim bill, 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 sum of \$2 million is appropriated out of funds not otherwise encumbered for payment by the North Broward Hospital District for the relief of Denise Gordon Brown and David Brown, as guardians of Darian Brown, for injuries and damages sustained by Darian Brown due to the negligence of Broward General Medical Center.

Section 3. A warrant shall be drawn in favor of Denise Gordon Brown and David Brown, as guardians of Darian Brown, in the amount of \$2 million, to be placed in a special needs trust created for the exclusive use and benefit of Darian Brown, a minor, to compensate Darian Brown for injuries and damages sustained.

Section 4. The amount paid pursuant to s. 768.28, Florida Statutes, and the amount awarded under this act are intended to provide the sole compensation for all present and future claims arising out of the factual situation described in this act which resulted in injuries sustained by Darian Brown. The total amount of attorney fees, lobbying fees, and related costs may not exceed 15 percent of the first \$1,000,000 awarded under this act and 10 percent of the second \$1,000,000 awarded under this act, for a total of \$250,000. However, taxable costs, which may not include attorney fees and lobbying fees, related to the underlying civil action may be collected in addition to the \$250,000.

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

Approved by the Governor March 29, 2012.

Filed in Office Secretary of State March 29, 2012.