

ENROLLED

CS/CS/HB 965, Engrossed 1

2012 Legislature

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2 An act for the relief of Aaron Edwards, a minor, by
3 Lee Memorial Health System of Lee County; providing
4 for an appropriation to compensate Aaron Edwards for
5 damages sustained as a result of medical negligence by
6 employees of Lee Memorial Health System of Lee County;
7 providing a limitation on the payment of fees and
8 costs; providing an effective date.

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10 WHEREAS, Aaron Edwards was born on September 5, 1997, at
11 Lee Memorial Hospital, and

12 WHEREAS, Aaron Edwards suffered permanent injuries to his
13 brain as a consequence of an acute hypoxic ischemic episode at
14 birth, and

15 WHEREAS, after a 6-week trial, a jury in Lee County
16 returned a verdict in favor of Aaron Edwards, finding Lee
17 Memorial Health System 100 percent responsible for Aaron
18 Edwards' injuries, and awarded a total of \$28,477,966.48 to the
19 Guardianship of Aaron Edwards, and

20 WHEREAS, the court also awarded \$174,969.65 in taxable
21 costs, and

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

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27 Be It Enacted by the Legislature of the State of Florida:
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29 Section 1. The facts stated in the preamble to this act
30 are found and declared to be true.

31 Section 2. Lee Memorial Health System, formerly known as
32 the Hospital Board of Directors of Lee County, is authorized and
33 directed to appropriate from funds not otherwise appropriated
34 and to draw a warrant as compensation for the injuries suffered
35 by Aaron Edwards in the sum of \$10,000,000 due by December 31,
36 2012, plus an additional \$1,000,000 by July 1 of each year
37 beginning in 2013 through 2017, inclusive, for a total of
38 \$15,000,000, payable to the Guardianship of Aaron Edwards, to be
39 placed in a special needs trust created for the exclusive use
40 and benefit of Aaron Edwards, a minor.

41 Section 3. The amount paid by Lee Memorial Health System
42 pursuant to s. 768.28, Florida Statutes, and the amount awarded
43 under this act are intended to provide the sole compensation for
44 all present and future claims arising out of the factual
45 situation described in this act which resulted in the injuries
46 suffered by Aaron Edwards. The total amount paid for attorney's
47 fees, lobbying fees, costs, and other similar expenses relating
48 to this claim may not exceed \$100,000.

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