By Senator Silver

38-180-98

A bill to be entitled
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 an effective date.

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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

handling, storing, and transporting Vernelle Lowder's blood and the erroneous report by the department that her blood was

16 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,

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

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

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1 Section 2. The State of Florida Department of Health 2 is directed to pay Vernelle Lowder the sum of \$350,000, plus 3 interest in the amount of 12 percent per annum, to compensate 4 her for the damages she sustained due to the negligence of the 5 department's predecessor agency, the Department of Health and 6 Rehabilitative Services. 7 Section 3. The Comptroller is directed to draw a 8 warrant in favor of Vernelle Lowder in the amount of \$350,000, 9 plus interest in the amount of 12 percent per annum, out of 10 funds in the State Treasury to the credit of the Department of Health and not otherwise allocated, to compensate Vernelle 11 Lowder for her injuries. 12 13 Section 4. This act shall take effect upon becoming a 14 law. 15 \*\*\*\*\*\*\*\*\*\*\* 16 17 SENATE SUMMARY Provides an appropriation from funds credited to the Department of Health to pay a final judgment in favor of Vernelle Lowder, to compensate her for damages she sustained due to the negligence of the defunct Department of Health and Rehabilitative Services. 18 19 20 21 22 23 24 25 26 27 28 29 30