



495206

LEGISLATIVE ACTION

Senate

House

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Floor: 2/AD/2R

03/07/2012 12:44 PM

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Senator Flores 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 funds not otherwise appropriated  
and to draw a warrant as compensation for the injuries suffered  
by Aaron Edwards in the sum of \$10,000,000 due by December 31,  
2012, plus an additional \$1,000,000 by July 1 of each year  
beginning in 2013 through 2017, inclusive, for a total of



495206

14 \$15,000,000, payable to the Guardianship of Aaron Edwards, to be  
15 placed in a special needs trust created for the exclusive use  
16 and benefit of Aaron Edwards, a minor.

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

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

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 medical negligence by  
36 employees of Lee Memorial Health System of Lee County;  
37 providing a limitation on the payment of fees and  
38 costs; providing an effective date.

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



495206

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,