

## ENROLLED

CS/HB 457, Engrossed 1

2012 Legislature

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

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

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

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

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

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

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

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

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

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

38 WHEREAS, pursuant to the agreement, the claim shall be  
 39 considered fully satisfied by the stipulation that the North  
 40 Broward Hospital District will seek its self-insured retention  
 41 in the amount of \$2 million as authorized by the Florida  
 42 Legislature through a claim bill, NOW, THEREFORE,

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

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

48 Section 2. The sum of \$2 million is appropriated out of  
 49 funds not otherwise encumbered for payment by the North Broward  
 50 Hospital District for the relief of Denise Gordon Brown and  
 51 David Brown, as guardians of Darian Brown, for injuries and  
 52 damages sustained by Darian Brown due to the negligence of  
 53 Broward General Medical Center.

54 Section 3. A warrant shall be drawn in favor of Denise  
 55 Gordon Brown and David Brown, as guardians of Darian Brown, in  
 56 the amount of \$2 million, to be placed in a special needs trust

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57 created for the exclusive use and benefit of Darian Brown, a  
58 minor, to compensate Darian Brown for injuries and damages  
59 sustained.

60 Section 4. The amount paid pursuant to s. 768.28, Florida  
61 Statutes, and the amount awarded under this act are intended to  
62 provide the sole compensation for all present and future claims  
63 arising out of the factual situation described in this act which  
64 resulted in injuries sustained by Darian Brown. The total amount  
65 of attorney fees, lobbying fees, and related costs may not  
66 exceed 15 percent of the first \$1,000,000 awarded under this act  
67 and 10 percent of the second \$1,000,000 awarded under this act,  
68 for a total of \$250,000. However, taxable costs, which may not  
69 include attorney fees and lobbying fees, related to the  
70 underlying civil action may be collected in addition to the  
71 \$250,000.

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