

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

JOSEPH H. LEE, on behalf of and  
as parent and natural guardian  
of EMERSON VALINDA LEE, a minor  
child,

Petitioner,

vs.

Case No. 09-4817N

FLORIDA BIRTH-RELATED  
NEUROLOGICAL INJURY COMPENSATION  
ASSOCIATION,

Respondent.

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FINAL ORDER APPROVING STIPULATION

This cause came on for consideration upon the Stipulation Pertaining to Lump Sum Payment for Bathroom and/or Handicap Modifications of Dwelling (Stipulation) filed with the Division of Administrative Hearings on August 5, 2016, by Petitioner, Joseph H. Lee and Respondent, Florida Birth-Related Neurological Injury Compensation Association.

Petitioner and Respondent have come to an agreement regarding a claim filed by Petitioner for bathroom and/or handicap modifications. They have agreed as follows:

Respondent agrees to pay to Petitioner(s)  
\$11,853.62 as a one-time only, lump sum  
payment IN ADDITION TO THE \$18,146.38  
PREVIOUSLY PAID WHICH WILL TOTAL \$30,000.00  
for any and all bathroom and/or handicap

modifications forever required for any residence.

Petitioner(s) agree(s) and accept(s) this one-time payment as a full and final payment toward bathroom and/or handicap modifications to his/her/their current house located at 17013 ASPEN MEADOWNS DRIVE, LUTZ, FL 33548, and agrees that said payment precludes Petitioner'(s) entitlement to any future payment from NICA for bathroom and/or handicap modifications for this house or any other house purchased, built or rented or lived in by Petitioner(s) in the future. Should Petitioner(s) elect to move or have any other modifications performed to his/her/their current home, or any other home purchased, built, rented or lived in by Petitioner(s), any future modifications will be solely at Petitioners' expense.

After due consideration of the interests of the parties, and being otherwise fully advised in the premises, it is

ORDERED:

1. Petitioner's and Respondent's Stipulation is approved.
2. The parties shall abide by the terms of the Stipulation.

DONE AND ORDERED this 5th day of August, 2016, in  
Tallahassee, Leon County, Florida.



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BARBARA J. STAROS  
Administrative Law Judge  
Division of Administrative Hearings  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060  
(850) 488-9675  
Fax Filing (850) 921-6847  
www.doah.state.fl.us

Filed with the Clerk of the  
Division of Administrative Hearings  
this 5th day of August, 2016.

COPIES FURNISHED:  
(via certified mail)

Kenney Shipley, Executive Director  
Florida Birth Related Neurological  
Injury Compensation Association  
2360 Christopher Place, Suite 1  
Tallahassee, Florida 32308  
(eServed)  
(Certified Mail No. 7015 0640 0003 7652 5384)

Joseph H. Lee  
17013 Aspen Meadows Drive  
Lutz, Florida 33548  
(Certified Mail No. 7015 0640 0003 7652 5391)

Amie Rice, Investigation Manager  
Consumer Services Unit  
Department of Health  
4052 Bald Cypress Way, Bin C-75  
Tallahassee, Florida 32399-3275  
(Certified Mail No. 7015 0640 0003 7652 5407)

Elizabeth Dudek, Secretary  
Health Quality Assurance  
Agency for Health Care Administration  
2727 Mahan Drive, Mail Stop 1  
Tallahassee, Florida 32308  
(eServed)  
(Certified Mail No. 7015 0640 0003 7652 5414)

NOTICE OF RIGHT TO JUDICIAL REVIEW

Review of a final order of an administrative law judge shall be by appeal to the District Court of Appeal pursuant to section 766.311(1), Florida Statutes. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing the original notice of administrative appeal with the agency clerk of the Division of Administrative Hearings within 30 days of rendition of the order to be reviewed, and a copy, accompanied by filing fees prescribed by law, with the clerk of the appropriate District Court of Appeal. See § 766.311(1), Fla. Stat., and Fla. Birth-Related Neurological Injury Comp. Ass'n v. Carreras, 598 So. 2d 299 (Fla. 1st DCA 1992).