

HB 0275

2005

1 A bill to be entitled
2 An act for the relief of Doretta Spurway; providing an
3 appropriation to compensate her for injuries she sustained
4 as a result of the negligence of an employee of the
5 Department of Highway Safety and Motor Vehicles; providing
6 an effective date.

7
8 WHEREAS, on January 30, 1998, a vehicle driven by Carol
9 Jean Robinson struck the rear of a vehicle driven by Doretta
10 Spurway while Ms. Spurway was stopped in traffic on State Road
11 60 at the intersection of Sharewood Drive in Brandon, Florida,
12 and

13 WHEREAS, at the time of the accident, Carol Jean Robinson
14 was acting within the course and scope of her employment with
15 the Department of Highway Safety and Motor Vehicles, and

16 WHEREAS, at the time of the accident, Doretta Spurway was
17 56 years of age and was 58 years of age at the time of the
18 trial, having a life expectancy of 24.7 years, and

19 WHEREAS, as a result of the accident, Doretta Spurway
20 suffered an elevation of the humeral head resulting in
21 impingement, spurring to the right AC joint contributing to the
22 impingement, persistent right shoulder subacromial bursitis,
23 cervical strain, right shoulder strain, headaches, aggravation
24 of spondylosis at C6/7 with disc-space narrowing in osteophyte
25 formation, and straightening of the cervical lordosis, and

26 WHEREAS, Dr. Fabio Fiore of Brandon Hospital operated on
27 Doretta Spurway's right shoulder on May 29, 1998, removing the
28 front lip of the acromion from the rotator cuff, and

29 WHEREAS, Doretta Spurway continued to suffer persistent
30 weakness in her right shoulder and posttraumatic cervical
31 headaches resulting from the accident, and Dr. Fiore testified
32 that the posttraumatic cervical headaches are permanent, and

33 WHEREAS, Dr. Fiore also testified that Doretta Spurway
34 suffered a permanent injury to her shoulder in the accident,
35 which was confirmed by magnetic resonance imaging, and that
36 Doretta Spurway is a candidate for a future shoulder operation,
37 and

38 WHEREAS, following her surgery, Doretta Spurway sought
39 treatment from Dr. Luis Crespo, who performed a functional
40 capacity evaluation that was introduced into evidence at trial,
41 and

42 WHEREAS, Dr. Fiore testified that, within reasonable
43 medical certainty, the cost of the future shoulder surgery will
44 be \$20,000 and that Doretta Spurway will incur annual medical
45 bills of \$5,000 to \$6,000 for medication, physical therapy, and
46 treatment for her ongoing headaches and neck pain, and

47 WHEREAS, Dr. Crespo testified that, following surgery,
48 Doretta Spurway developed atrophy and chronic swelling of the
49 tissues in her shoulder and that Doretta Spurway will incur
50 annual medical bills of \$2,000 to \$2,500 for treatment of the
51 shoulder injury, excluding surgery, and

52 WHEREAS, before the accident, Doretta Spurway worked full
53 time as a certified nursing assistant for over 30 years, work
54 that involved caring for elderly patients who are unable to care
55 for themselves, bathing patients, pushing patients in
56 wheelchairs, and helping patients to walk, and

57 WHEREAS, before the accident, Doretta Spurway earned
58 \$17,005 in 1997, and, following the accident, her annual income
59 dropped to \$7,172 in 1998, and Doretta Spurway has been unable
60 to work since 1998 as a result of her injuries, and

61 WHEREAS, Dr. Fiore testified that Doretta Spurway's
62 injuries prohibit her from working as a certified nursing
63 assistant, and Dr. Crespo, after conducting a functional
64 capacity evaluation, testified that Doretta Spurway has lost 60
65 to 70 percent of the range of motion in her right shoulder as a
66 result of the accident and further testified that Doretta
67 Spurway is unable to perform the full duties of a nursing
68 assistant, and

69 WHEREAS, Doretta Spurway has been unable to work for over 4
70 years, has had to sell her house, is living out of a car and
71 staying with friends and family, and currently has difficulty
72 paying for her necessary medications, and

73 WHEREAS, a jury determined that, as a result of the
74 accident, the amount of damages suffered by Doretta Spurway for
75 medical expenses, lost earnings, and loss of wage-earning
76 capacity is \$56,942.37, determined that the present value of
77 future medical care and treatment and lost wage-earning capacity
78 to be sustained in future years by Doretta Spurway is \$165,000
79 and returned a verdict awarding a total amount of \$221,942.37 to
80 Doretta Spurway, and

81 WHEREAS, the Department of Highway Safety and Motor
82 Vehicles has paid \$100,000 pursuant to the statutory limits of
83 liability set forth in s. 768.28, Florida Statutes, leaving a
84 balance of \$121,942.37, NOW, THEREFORE,

85

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

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

90 Section 2. The sum of \$121,942.37 is appropriated from the
 91 General Revenue Fund to the Department of Highway Safety and
 92 Motor Vehicles for the relief of Doretta Spurway for injuries
 93 and damages sustained.

94 Section 3. The Chief Financial Officer is directed to draw
 95 a warrant in favor of Doretta Spurway in the sum of \$121,942.37
 96 upon funds of the Department of Highway Safety and Motor
 97 Vehicles, and the Chief Financial Officer is directed to pay the
 98 same out of funds in the State Treasury.

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