

By Representative Ritter

1 A bill to be entitled
2 An act relating to the City of Pembroke Pines;
3 providing for the relief of Triesa Wells;
4 providing for an appropriation to compensate
5 Triesa Wells for injuries sustained as a result
6 of the negligence of an employee of the City of
7 Pembroke Pines; providing an effective date.

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9 WHEREAS, on December 10, 1993, Triesa Wells sustained
10 catastrophic injuries as a result of a motor-vehicle accident
11 at the intersection of S.W. 114th Avenue and Pines Boulevard
12 in Pembroke Pines, Florida, and

13 WHEREAS, at the time of the accident, Ms. Wells was
14 operating her motor vehicle in a northbound direction on S.W.
15 114th Avenue, and

16 WHEREAS, under the indication of a green light, Triesa
17 Wells was proceeding through the intersection when her vehicle
18 was hit by a City of Pembroke Pines police vehicle that was
19 traveling eastbound on Pines Boulevard and ran the red light
20 at the intersection of Pines Boulevard and S.W. 114th Avenue,
21 and

22 WHEREAS, the uncontroverted testimony is that Officer
23 McCluskey was traveling at a minimum of 53+ miles per hour and
24 as fast as 65 miles per hour when he struck the driver's door
25 of the Wells' vehicle, and

26 WHEREAS, witnesses to the crash indicate that Officer
27 McCluskey failed to slow down, and some say that he was either
28 not using his siren or it was not audible at the speed at
29 which he was traveling, and

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1 WHEREAS, the police vehicle swerved to the right to
2 avoid a crash with a vehicle driven by Regina Walker, who was
3 about to enter the eastbound lane of Pines Boulevard, and

4 WHEREAS, as the police car was braking and turning,
5 Officer McCluskey lost control and broadsided the Wells'
6 vehicle, and

7 WHEREAS, liability on the part of the City of Pembroke
8 Pines was clear, in that the officer violated several policies
9 and procedures of the Pembroke Pines Police Department, and

10 WHEREAS, the investigation of this matter by the city
11 found that Officer McCluskey violated section 316.072(5),
12 Florida Statutes, and section 316.126, Florida Statutes, which
13 require emergency vehicles en route to an emergency to proceed
14 in a manner consistent with the laws regulating traffic upon
15 the highways of this state, i.e., must stop or slow down when
16 approaching intersections, and

17 WHEREAS, Triesa Wells was airlifted from the scene of
18 the accident to the trauma unit at Memorial Hospital in
19 Hollywood, and

20 WHEREAS, upon Ms. Wells' arrival at the hospital, she
21 was ranked on the Glasgow Coma Scale at a value of 10, and

22 WHEREAS, according to Dr. Lawrence Lottenberg, the
23 Director of Trauma Services at Memorial Hospital, Triesa Wells
24 was near death upon her arrival; she had severe hemorrhaging
25 and was breathing 44 times a minute, which, according to Dr.
26 Lottenberg, is an indication that her breathing was about to
27 stop, and

28 WHEREAS, she sustained a comminuted left femur
29 fracture, left sacral fracture, bilateral superior/inferior
30 ramifractures, and mild closed-head injuries, as well as
31 injuries to her body as a whole, and

1 WHEREAS, during Ms. Wells' hospitalization, she
2 required approximately 25 pints of blood, underwent major
3 orthopedic surgery, developed pulmonary emboli, went into
4 respiratory arrest, and required the insertion of a vena cava
5 filter, and

6 WHEREAS, in addition to the orthopedic injuries
7 sustained by Triesa Wells, she sustained a brain contusion and
8 9 or 10 shattered teeth, and had significant permanent
9 scarring and disfigurement in both her buttocks and left leg,
10 and

11 WHEREAS, every physician who has treated Ms. Wells for
12 the injuries sustained in this accident has indicated that she
13 sustained a permanent impairment, within reasonable medical
14 certainty, and

15 WHEREAS, her treating orthopedic surgeon, Dr. Michael
16 Langone, is of the opinion that Ms. Wells sustained a
17 30-percent permanent partial disability, from an orthopedic
18 standpoint, as a result of the injuries she sustained in this
19 accident, and

20 WHEREAS, it is the opinion of Dr. Lynn Atkinson, a
21 board-certified neurosurgeon, that Ms. Wells has a 15-percent
22 impairment and has, in fact, sustained permanent brain damage,
23 and

24 WHEREAS, Dr. Jaqueline Valdes, a neuropsychologist to
25 whom Dr. Atkinson referred Triesa Wells for testing, confirms
26 that Ms. Wells has indeed sustained cognitive deficits as a
27 result of the traumatic brain injury she received in this
28 accident, and

29 WHEREAS, the City of Pembroke Pines has had her
30 evaluated by an orthopedic surgeon and a neurologist, Dr. Alan
31 Routman and Dr. Roger Schnell, both of whom have indicated

1 that she sustained a permanent disability as a result of the
2 subject motor-vehicle accident, and

3 WHEREAS, Triesa Wells' medical bills in this case
4 exceed \$180,000 in connection with the care and treatment she
5 has received for injuries resulting from the motor vehicle
6 accident of December 10, 1993, and

7 WHEREAS, Ms. Wells had been an employee of the Dade
8 County and Broward County School Boards since 1986, and

9 WHEREAS, from August 1991 through November 1993, she
10 was employed as a part-time clerk at \$5.50 per hour, and

11 WHEREAS, she had stopped work approximately a month
12 before this accident and anticipated returning to the school
13 board in September 1994, when her daughter, Jennifer, started
14 middle school, and

15 WHEREAS, as a result of the injuries that she
16 sustained, Ms. Wells has not returned to work since the
17 accident, and

18 WHEREAS, plaintiffs settled their case with the owner
19 of the vehicle driven by Regina Walker for her bodily injury
20 policy limits of \$10,000 and also recovered compensation in
21 the amount of \$20,000 from Allstate, the carrier of their own
22 uninsured-motorist coverage, and

23 WHEREAS, a lawsuit was filed against the City of
24 Pembroke Pines after the appropriate 6-month period had
25 elapsed in accordance with section 768.28, Florida Statutes,
26 and

27 WHEREAS, the City of Pembroke Pines has paid the
28 statutory limits of \$200,000 in connection with the companion
29 case of Randy Warren, which arose out of the same accident,
30 and

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1 WHEREAS, the parties to this action, Triesa Wells and
2 her husband, John, and the City of Pembroke Pines, have agreed
3 to the submission of a claim bill in the amount of \$499,000,
4 NOW, THEREFORE,

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

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

10 Section 2. The City of Pembroke Pines is authorized
11 and directed to appropriate from funds of the city not
12 otherwise appropriated and to draw a warrant in the amount of
13 \$499,000 payable to Triesa Wells to compensate her for
14 injuries sustained as a result of the negligence of an
15 employee of the city.

16 Section 3. This act shall take effect July 1, 1998.
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