

By the Committee on Civil Justice & Claims and
Representative Cosgrove

1 A bill to be entitled
2 An act relating to Metropolitan Dade County;
3 providing for the relief of Bruce Wiggins as
4 Personal Representative of the Estate of Helen
5 Wiggins, deceased, for the benefit of Bruce
6 Wiggins, Alisha Wiggins, a minor, and Jake
7 Wiggins, a minor; providing for an
8 appropriation to compensate them for the death
9 of Helen Wiggins as a result of the negligence
10 of Metropolitan Dade County; providing for
11 structured payments; providing for direct
12 payments to lienholders; providing for payment
13 of Medicaid liens prior to disbursement of the
14 warrant; providing an effective date.

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16 WHEREAS, on March 2, 1993, Helen Wiggins, wife of Bruce
17 Wiggins and mother of Alisha Wiggins, a minor, and Jake
18 Wiggins, a minor, was operating a motor vehicle westbound on
19 S.W. 232nd Street in Dade County, and

20 WHEREAS, Helen Wiggins was approaching the intersection
21 of S.W. 232nd Street and S.W. 202nd Avenue, and

22 WHEREAS, there was a stop sign at Helen Wiggins'
23 approach to the intersection, and

24 WHEREAS, according to accident reconstructionist Miles
25 Moss, and following the time sequence analysis and physical
26 evidence of the accident which occurred on March 2, 1993,
27 Helen Wiggins stopped her vehicle at the stop bar when she
28 reached S.W. 202nd Avenue, and then crossed the intersection,
29 and

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1 WHEREAS, upon crossing the intersection, Helen Wiggins
2 was struck on the right side of her vehicle by a pickup truck
3 that was traveling southbound on S.W. 202nd Avenue, and
4 WHEREAS, the pickup truck that struck Helen Wiggins had
5 no stop sign governing its approach to the intersection, and
6 WHEREAS, on the northeast corner of the intersection at
7 which the accident occurred, there was a very large, high area
8 of shrubbery which was a visual obstruction to motorists who
9 approached the intersection, and
10 WHEREAS, this obstruction was within the right-of-way
11 owned and maintained by Dade County, and
12 WHEREAS, the bushes and weeds which constituted the
13 visual obstruction were approximately 6 feet in height and
14 covered an area of 80 to 100 feet in length and 12 to 15 feet
15 in width, and
16 WHEREAS, this obstruction was a visual trap to Helen
17 Wiggins, who was able to see approaching vehicles from her
18 vantage point at the intersection, and
19 WHEREAS, as a result of the accident, Helen Wiggins
20 suffered a very serious brain injury, was comatose at the
21 scene of the accident, and was airlifted to Jackson Memorial
22 Hospital in Miami, and
23 WHEREAS, Helen Wiggins remained comatose at Jackson
24 Memorial Hospital in Miami for 4 months following the
25 accident, and
26 WHEREAS, when Helen Wiggins emerged from her comatose
27 state, she was paralyzed and could not eat or speak, and
28 WHEREAS, Helen Wiggins was diagnosed with closed head
29 trauma with severe neurologic defects, hemiplegia,
30 hemiparesis, and organic personality syndrome, and
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1 WHEREAS, Helen Wiggins died on July 2, 1995, as a
2 result of the injuries she sustained in the accident of March
3 2, 1993, and

4 WHEREAS, during a jury trial which began in April 1996,
5 it was determined that Dade County failed to use reasonable
6 care to cut back foliage on the county right-of-way adjacent
7 to the public road, thus creating a dangerous visual
8 obstruction to motorists' view, and

9 WHEREAS, it was also determined that the minimum sight
10 distance requirements prescribed by state law were also
11 violated, and

12 WHEREAS, witnesses who lived in the rural neighborhood
13 in which the accident occurred testified that several
14 accidents had previously occurred at this intersection and
15 that Dade County had failed to clear the visual obstruction
16 created by the foliage, and

17 WHEREAS, according to witnesses and aerial county
18 photographs, the bushes constituting a visual obstruction had
19 been in existence for years, and

20 WHEREAS, because of the dangerous nature of the visual
21 obstruction and previous accidents at the intersection, which
22 included another fatality in August 1992, Dade County public
23 works crews had prepared a memorandum and diagram of the
24 intersection and the visual obstruction and labeled the
25 condition an "emergency," with directions to "expedite" its
26 removal, and

27 WHEREAS, the Dade County Public Works Department
28 ignored its own memorandum to clear the obstruction, and

29 WHEREAS, on May 3, 1996, following a 3-week jury trial,
30 a verdict was returned against Metropolitan Dade County in the
31 amount of \$2,775,236, and

1 WHEREAS, the jury assessed 20 percent comparative
2 negligence to the driver of the pickup truck, Charles Teggart,
3 and 30 percent negligence to Helen Wiggins, thus reducing the
4 final judgment to \$1,722,665, and

5 WHEREAS, the verdict was appealed by Metropolitan Dade
6 County, and

7 WHEREAS, on June 18, 1997, the Third District Court of
8 Appeal affirmed the decision of the circuit court, NOW,
9 THEREFORE,

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

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

15 Section 2. The Board of County Commissioners of
16 Metropolitan Dade County is authorized and directed to
17 appropriate from funds of the county not otherwise
18 appropriated and to draw a warrant in the sum of \$1,522,665
19 payable to Bruce Wiggins as Personal Representative of the
20 Estate of Helen Wiggins, deceased, for the benefit of Bruce
21 Wiggins, Alisha Wiggins, a minor, and Jake Wiggins, a minor,
22 to compensate Bruce Wiggins, Alisha Wiggins, and Jake Wiggins
23 for the death of Helen Wiggins as a result of the negligence
24 of Metropolitan Dade County. Such amount shall be paid in
25 addition to the \$200,000 payable pursuant to section 768.28,
26 Florida Statutes, Florida's sovereign immunity statute.

27 Section 3. That portion of the settlement due the
28 minor children, Jake Wiggins and Alisha Wiggins, shall be
29 placed in structured annuities for the benefit of each of the
30 children which shall provide for periodic payment to the minor
31 children from age 18 through age 40.

1 Section 4. Payment due any lienholders as a result of
2 a lienholder's payment of Helen Wiggins' medical expenses
3 shall be paid directly from Dade County to the lienholders,
4 after being reduced by a sum that is the lienholder's
5 proportionate share of attorney's fees and costs.

6 Section 5. The governmental entity responsible for
7 payment of the warrant shall make payment to the Florida
8 Agency for Health Care Administration as complete payment and
9 satisfaction of any and all Medicaid liens for past benefits
10 provided, prior to the disbursement of funds to the claimant.
11 The lien amount shall be calculated up to the date upon which
12 this act becomes a law.

13 Section 6. This act shall take effect upon becoming a
14 law.

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