

By Senator Casas

39-97B-98

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 an
11 effective date.
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13 WHEREAS, on March 2, 1993, Helen Wiggins, wife of Bruce
14 Wiggins and mother of Alisha Wiggins, a minor, and Jake
15 Wiggins, a minor, was operating a motor vehicle westbound on
16 S.W. 232nd Street in Dade County, and
17 WHEREAS, Helen Wiggins was approaching the intersection
18 of S.W. 232nd Street and S.W. 202nd Avenue, and
19 WHEREAS, there was a stop sign at Helen Wiggins'
20 approach to the intersection, and
21 WHEREAS, according to accident reconstructionist Miles
22 Moss, and following the time sequence analysis and physical
23 evidence of the accident which occurred on March 2, 1993,
24 Helen Wiggins stopped her vehicle at the stop bar when she
25 reached S.W. 202nd Avenue, and then crossed the intersection,
26 and
27 WHEREAS, upon crossing the intersection, Helen Wiggins
28 was struck on the right side of her vehicle by a pickup truck
29 that was traveling southbound on S.W. 202nd Avenue, and
30 WHEREAS, the pickup truck that struck Helen Wiggins had
31 no stop sign governing its approach to the intersection, and

1 WHEREAS, on the northeast corner of the intersection at
2 which the accident occurred, there was a very large, high area
3 of shrubbery which was a visual obstruction to motorists who
4 approached the intersection, and

5 WHEREAS, this obstruction was within the right-of-way
6 owned and maintained by Dade County, and

7 WHEREAS, the bushes and weeds which constituted the
8 visual obstruction were approximately 6 feet in height and
9 covered an area of 80 to 100 feet in length and 12 to 15 feet
10 in width, and

11 WHEREAS, this obstruction was a visual trap to Helen
12 Wiggins, who was able to see approaching vehicles from her
13 vantage point at the intersection, and

14 WHEREAS, as a result of the accident, Helen Wiggins
15 suffered a very serious brain injury, was comatose at the
16 scene of the accident, and was airlifted to Jackson Memorial
17 Hospital in Miami, and

18 WHEREAS, Helen Wiggins remained comatose at Jackson
19 Memorial Hospital in Miami for 4 months following the
20 accident, and

21 WHEREAS, when Helen Wiggins emerged from her comatose
22 state, she was paralyzed and could not eat or speak, and

23 WHEREAS, Helen Wiggins was diagnosed with closed head
24 trauma with severe neurologic defects, hemiplegia,
25 hemiparesis, and organic personality syndrome, and

26 WHEREAS, Helen Wiggins died on July 2, 1995, as a
27 result of the injuries she sustained in the accident of March
28 2, 1993, and

29 WHEREAS, during a jury trial which began in April 1996,
30 it was determined that Dade County failed to use reasonable
31 care to cut back foliage on the county right-of-way adjacent

1 to the public road, thus creating a dangerous visual
2 obstruction to motorists' view, and

3 WHEREAS, it was also determined that the minimum sight
4 distance requirements prescribed by state law were also
5 violated, and

6 WHEREAS, witnesses who lived in the rural neighborhood
7 in which the accident occurred testified that several
8 accidents had previously occurred at this intersection and
9 that Dade County had failed to clear the visual obstruction
10 created by the foliage, and

11 WHEREAS, according to witnesses and aerial county
12 photographs, the bushes constituting a visual obstruction had
13 been in existence for years, and

14 WHEREAS, because of the dangerous nature of the visual
15 obstruction and previous accidents at the intersection, which
16 included another fatality in August 1992, Dade County public
17 works crews had prepared a memorandum and diagram of the
18 intersection and the visual obstruction and labeled the
19 condition an "emergency," with directions to "expedite" its
20 removal, and

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

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

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

30 WHEREAS, the verdict was appealed by Metropolitan Dade
31 County, and

1 WHEREAS, on June 18, 1997, the Third District Court of
2 Appeal affirmed the decision of the circuit court, NOW,
3 THEREFORE,

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

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

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

21 Section 3. This act shall take effect upon becoming a
22 law.

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