

By Senator Geller

29-35A-99

1 A bill to be entitled
2 An act relating to the City of Sanibel;
3 providing for the relief of Jeremy Stewart;
4 providing for an appropriation to compensate
5 him for injuries and damages sustained as a
6 result of the negligence of the City of
7 Sanibel; providing an effective date.

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9 WHEREAS, on July 18, 1995, at 1:41 a.m., Jeremy Stewart
10 was operating his motorcycle in the City of Sanibel, and

11 WHEREAS, at that time a City of Sanibel police officer,
12 responding to a routine backup call, drove a vehicle owned by
13 the City of Sanibel at an excessive rate of speed on a wet
14 road and lost control of the vehicle, crossing the center line
15 of the roadway and striking Jeremy Stewart in his lane of
16 traffic, and

17 WHEREAS, Jeremy Stewart was transported to Lee Memorial
18 Hospital where he displayed signs of intra-abdominal bleeding,
19 which were suggestive of a ruptured spleen, and

20 WHEREAS, Jeremy Stewart was immediately taken to
21 surgery where Dr. Timothy Hughes discovered that Jeremy
22 Stewart's spleen had been ripped apart beyond repair and
23 subsequently performed a splenectomy, and

24 WHEREAS, Jeremy Stewart had also sustained facial and
25 leg lacerations and had an open left humeral fracture with
26 obvious nerve involvement, and

27 WHEREAS, during the months following the accident,
28 Jeremy Stewart's humeral fracture began to heal and, as it
29 did, it became apparent that he had incurred a permanent loss
30 of his radial nerve function in his left arm and left hand,
31 and

1 WHEREAS, because Jeremy Stewart was left-handed and the
2 radial nerve damage to Jeremy Stewart's left arm and hand had
3 rendered his left arm and hand useless, Jeremy Stewart's local
4 orthopedic surgeon referred him to an expert in Tampa, Dr.
5 John Rayhack, and

6 WHEREAS, Dr. John Rayhack advised Jeremy Stewart that a
7 tendon transfer was the only hope of regaining the use of his
8 left arm and hand, and

9 WHEREAS, upon completion of the surgery and
10 rehabilitation, Jeremy Stewart had regained approximately 60
11 percent of the use of his arm, and

12 WHEREAS, Dr. Rayhack has theorized that Jeremy Stewart
13 might be able to regain as much as 90 percent of his strength,
14 but would still lack dexterity, and

15 WHEREAS, the serious injuries sustained by Jeremy
16 Stewart as a result of the accident formed the basis of legal
17 action brought by Jeremy Stewart against the City of Sanibel,
18 and

19 WHEREAS, the case was tried before a jury in Fort Myers
20 in the 20th Judicial Circuit, and

21 WHEREAS, at trial Dr. Timothy Hughes testified that as
22 a result of losing his spleen, Jeremy Stewart's immune system
23 may become overwhelmed by certain types of infections and that
24 he runs the risk of dying from overwhelming sepsis, and

25 WHEREAS, rehabilitation experts for both the defense
26 and the plaintiff also testified that, because of the loss of
27 strength and dexterity in his left hand and arm, Jeremy
28 Stewart would never be able to return to his previous
29 occupation as a wallpaper hanger and painter, and

30 WHEREAS, the City of Sanibel admitted that the accident
31 in which Jeremy Stewart was injured was the fault of the City

1 of Sanibel and that there was no fault on the part of Jeremy
2 Stewart, and

3 WHEREAS, the jury awarded total damages of
4 \$1,644,407.80 to Jeremy Stewart, and

5 WHEREAS, the jury's verdict was affirmed by the Second
6 District Court of Appeal on February 18, 1998, and

7 WHEREAS, the City of Sanibel has paid \$100,000 in
8 satisfaction of the statutory limits of liability set forth in
9 section 768.28, Florida Statutes, leaving a balance of
10 \$1,544,407.80, NOW, THEREFORE,

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

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

16 Section 2. The City Council of the City of Sanibel is
17 authorized and directed to appropriate from funds of the city
18 not otherwise appropriated and to draw a warrant in the sum of
19 \$1,544,407.80 payable to Jeremy Stewart as compensation for
20 injuries and damages sustained as a result of the negligence
21 of the City of Sanibel.

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

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