

By Representative Gay

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.

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

9  
10 Be It Enacted by the Legislature of the State of Florida:

11  
12 Section 1. The facts stated in the preamble to this  
13 act are found and declared to be true.

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

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

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