

By Senator Dawson

30-103-00

1 A bill to be entitled
2 An act relating to the City of Port St. Lucie;
3 providing for the relief of J. C. Wendehake;
4 providing for an appropriation to compensate
5 him for injuries sustained as a result of the
6 negligence of the City of Port St. Lucie;
7 providing an effective date.

8
9 WHEREAS, on January 25, 1991, J. C. Wendehake, who was
10 16 years old, was the back-seat passenger in a vehicle driven
11 by Lynn Amandro which was headed west on Port St. Lucie
12 Boulevard, and

13 WHEREAS, at the same time, a police officer of the City
14 of Port St. Lucie was operating a city-owned police vehicle
15 that was headed east on Port St. Lucie Boulevard, and

16 WHEREAS, while traveling west, the Amandro vehicle made
17 a left-hand turn across Port St. Lucie Boulevard, and

18 WHEREAS, at that time, the police vehicle traveling in
19 the eastbound lane collided with the Amandro vehicle, with the
20 brunt of the collision affecting the rear-passenger side of
21 the vehicle where J. C. Wendehake was riding, and

22 WHEREAS, at the time of the accident, it was dark, the
23 road was wet from rain, and there were several orange traffic
24 signs indicating that the road was under construction and that
25 vehicles should exercise caution, and

26 WHEREAS, because of the road construction, the speed
27 limit on the road had been reduced from 40 mph to 30 mph in
28 the area where the accident occurred, and

29 WHEREAS, the police officer admitted that he was
30 traveling at a speed of between 35 and 40 mph, which was in
31 excess of the posted speed limit of 30 mph, and

1 WHEREAS, as a result of the accident, J. C. Wendehake
2 suffered severe and life-threatening injuries, including a
3 closed head injury, permanent brain damage, a broken leg, and
4 a punctured lung, and

5 WHEREAS, J. C. Wendehake was in a coma for 1 week and
6 then spent a few months at an inpatient rehabilitation clinic
7 before going home to his family, and

8 WHEREAS, as a result of his closed head injury and
9 permanent brain damage, J. C. Wendehake suffers from severe
10 memory loss, including loss of all memory of his life prior to
11 the accident, as well as difficulty remembering simple tasks
12 without prompting from his family, and

13 WHEREAS, the physician who oversaw J. C. Wendehake's
14 lengthy rehabilitation has opined that J. C. has a minimum
15 50-percent impairment of the body as a whole, and

16 WHEREAS, J. C. Wendehake has incurred past medical
17 expenses of more than \$250,000 and will need future medical
18 care, including at least one total hip replacement in the
19 future, and

20 WHEREAS, as a result of his injuries, J. C. Wendehake
21 is unable to enjoy the activities that he enjoyed before the
22 accident and has become depressed over his "deficiencies," and

23 WHEREAS, a lawsuit was filed against the City of Port
24 St. Lucie, and

25 WHEREAS, expert testimony during the trial established
26 that if the police officer had been operating his vehicle
27 within the posted speed limit, the accident might not have
28 occurred, and

29 WHEREAS, after 3 days of trial, a jury rendered a
30 verdict against the City of Port St. Lucie and in favor of J.
31 C. Wendehake in the amount of \$1,300,000, and

1 WHEREAS, the City of Port St. Lucie did not appeal the
2 verdict and has paid \$100,000 pursuant to the limits of
3 liability set forth in section 768.28, Florida Statutes, NOW,
4 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 Port St. Lucie is authorized
11 and directed to appropriate from funds of the city not
12 otherwise appropriated and to draw a warrant in the sum of
13 \$1,200,000 payable to J. C. Wendehake as compensation for
14 injuries sustained due to the negligence of the City of Port
15 St. Lucie.

16 Section 3. This act shall take effect upon becoming a
17 law.