

By the Committee on Claims and Representative Hill

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, and

4           WHEREAS, the parties have reached a settlement wherein  
5 the city agrees to pay J. C. Wendehake \$75,000 in addition to  
6 the \$100,000 already paid pursuant to the statutory cap, NOW,  
7 THEREFORE,

8  
9 Be It Enacted by the Legislature of the State of Florida:

10  
11           Section 1. The facts stated in the preamble to this  
12 act are found and declared to be true.

13           Section 2. The City of Port St. Lucie is authorized  
14 and directed to appropriate from funds of the city not  
15 otherwise appropriated and, on or before October 31, 2000, to  
16 draw a warrant in the sum of \$75,000 payable to J. C.  
17 Wendehake as compensation for injuries sustained due to the  
18 negligence of the City of Port St. Lucie.

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