

By Senator Dawson

30-46A-01

1 A bill to be entitled
2 An act relating to the City of Key West;
3 providing for the relief of James Fink;
4 authorizing and directing the City of Key West
5 to compensate him for personal injuries that he
6 suffered due to the negligence of an employee
7 of the City of Key West; providing an effective
8 date.

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10 WHEREAS, on April 4, 1998, James Fink, who was then 21
11 years of age, was operating a motorcycle near the intersection
12 of South Roosevelt Boulevard and Duck Avenue in the City of
13 Key West, and

14 WHEREAS, a bus driver who was a city employee
15 negligently failed to yield the right-of-way at that
16 intersection, and

17 WHEREAS, several witnesses have testified that Mr. Fink
18 did everything he could do to avoid an accident, but that the
19 bus driver's negligently pulling into the intersection caused
20 Mr. Fink to collide with the left front of the bus, and

21 WHEREAS, as a result of the impact, James Fink was
22 ejected from his motorcycle, was thrown into the windshield of
23 the bus, and, eventually, was thrown to the ground, and

24 WHEREAS, Mr. Fink was taken to the Lower Florida Keys
25 Hospital, where he was treated for multiple fractures and for
26 kidney damage that was so severe that his right kidney had to
27 be removed, and

28 WHEREAS, after discharge from the hospital, Mr. Fink
29 had to be readmitted for further surgery on his left elbow and
30 arm, and

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1 WHEREAS, he subsequently underwent physical therapy,
2 but has been unable to avail himself of a doctor's referral to
3 the University of Miami Hand Clinic or to undertake other
4 procedures and medical consultation because he lacks
5 sufficient funds and has no medical insurance, and

6 WHEREAS, despite the severity of his injuries, James
7 Fink returned to work June 8, 1998, as a real estate salesman,
8 working totally on commissions, and

9 WHEREAS, Mr. Fink has sustained lost income in the
10 amount of \$8,000 and medical bills in the amount of
11 \$49,656.46, and

12 WHEREAS, he will need considerable additional medical
13 attention, and his injuries have likely shortened his life
14 expectancy considerably, particularly in view of the fact that
15 he now has only one kidney and there is a history of renal
16 problems in his family, and

17 WHEREAS, James Fink also has a permanent injury to his
18 left arm and elbow, and he is unable to ride a motorcycle,
19 play musical instruments, exercise properly, or enjoy several
20 of his lifelong hobbies, and he has great difficulty using a
21 fork and knife to cut food, and

22 WHEREAS, his medical condition will result in higher
23 insurance rates for health insurance or life insurance, if he
24 is able to obtain insurance at all, and

25 WHEREAS, his motorcycle, valued at \$6,000, was totaled
26 in the accident, NOW, THEREFORE,

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

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

1 Section 2. The City of Key West is authorized and
2 directed to compensate James Fink in the amount of _____,
3 out of funds of the city not otherwise appropriated, for
4 injuries and damages he sustained due to the negligence of a
5 city employee.

6 Section 3. This act shall take effect upon becoming a
7 law.

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