

By Senator Lawson

6-36-03

1 A bill to be entitled
2 An act relating to the Department of Highway
3 Safety and Motor Vehicles; providing for the
4 relief of Doretta Spurway for injuries she
5 sustained as a result of negligence by an
6 employee of the department; providing an
7 effective date.

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9 WHEREAS, on January 30, 1998, the vehicle driven by
10 Carol Jean Robinson struck the rear of the vehicle driven by
11 Doretta Spurway while Ms. Spurway was stopped in traffic on
12 State Road 60 at the intersection of Sharewood Drive, and

13 WHEREAS, at the time of the accident, Ms. Robinson was
14 acting within the course and scope of her employment with the
15 Department of Highway Safety and Motor Vehicles, and

16 WHEREAS, at the time of the accident, Ms. Spurway was
17 56 years of age and was 58 years of age at the time of the
18 trial, having a life expectancy of 24.7 years, and

19 WHEREAS, as a result of the accident, Ms. Spurway
20 suffered an elevation of the humeral head resulting in
21 impingement, spurring to the right AC joint contributing to
22 the impingement, persistent right shoulder subacromial
23 bursitis, cervical strain, right shoulder strain, headaches,
24 aggravation of spondylosis at C6/7 with disc-space narrowing
25 in osteophyte formation, and straightening of the cervical
26 lordosis, and

27 WHEREAS, Dr. Fabio Fiore of Brandon Hospital operated
28 on Ms. Spurway's right shoulder on May 29, 1998, removing the
29 front lip of the acromion from the rotator cuff, and

30 WHEREAS, Ms. Spurway continued to suffer persistent
31 weakness in her right shoulder and posttraumatic cervical

1 headaches resulting from the accident and Dr. Fiore testified
2 that the posttraumatic cervical headaches are permanent, and

3 WHEREAS, Dr. Fiore also testified that Ms. Spurway
4 suffered a permanent injury to her shoulder in the accident,
5 which was confirmed by magnetic resonance imaging, and that
6 Ms. Spurway is a candidate for a future shoulder operation,
7 and

8 WHEREAS, following her surgery, Ms. Spurway sought
9 treatment from Dr. Luis Crespo who performed a functional
10 capacity evaluation that was introduced into evidence at
11 trial, and

12 WHEREAS, Dr. Fiore testified that, within reasonable
13 medical certainty, the cost of the future shoulder surgery
14 will be \$20,000 and that Ms. Spurway will incur annual medical
15 bills of \$5,000 to \$6,000 for medication, physical therapy,
16 and treatment for her ongoing headaches and neck pain, and

17 WHEREAS, Dr. Crespo testified that, following surgery,
18 Ms. Spurway developed atrophy and chronic swelling of the
19 tissues in her shoulder and that Ms. Spurway will incur annual
20 medical bills of \$2,000 to \$2,500 for treatment, excluding
21 surgery, of the shoulder injury, and

22 WHEREAS, before the accident, Ms. Spurway worked full
23 time as a certified nursing assistant for over 30 years, work
24 that involved caring for elderly patients who are unable to
25 care for themselves, bathing patients, pushing patients in
26 wheelchairs, and helping patients to walk, and

27 WHEREAS, before the accident, Ms. Spurway earned
28 \$17,005 in 1997 and following the accident, her annual income
29 dropped to \$7,172 in 1998, and Ms. Spurway has been unable to
30 work since 1998 as a result of her injuries, and

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1 WHEREAS, Dr. Fiore testified that Ms. Spurway's
2 injuries prohibit her from working as a certified nursing
3 assistant, and Dr. Crespo, after conducting a functional
4 capacity evaluation, testified that Ms. Spurway has lost 60 to
5 70 percent of the range of motion in her right shoulder as a
6 result of the accident and further testified that Ms. Spurway
7 is unable to perform the full duties of a nursing assistant,
8 and

9 WHEREAS, Ms. Spurway has been unable to work for over 4
10 years, has had to sell her house, is living out of a car and
11 staying with friends and family, and currently has difficulty
12 paying for her necessary medications, and

13 WHEREAS, a jury determined that, as a result of the
14 accident, the amount of damages suffered by Ms. Spurway for
15 medical expenses, lost earnings, and loss of wage-earning
16 capacity is \$56,942.37, determined that the present value of
17 future medical care and treatment and lost wage-earning
18 capacity to be sustained in future years by Ms. Spurway is
19 \$165,000, and returned a verdict awarding a total amount of
20 \$221,942.37 to Ms. Spurway, NOW, THEREFORE,

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

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

26 Section 2. The sum of \$221,942.37 is appropriated from
27 the General Revenue Fund to the Department of Highway Safety
28 and Motor Vehicles for the relief of Doretta Spurway for
29 injuries and damages sustained.

30 Section 3. The Comptroller is directed to draw a
31 warrant in favor of Doretta Spurway in the sum of \$221,942.37

1 upon funds of the Department of Highway Safety and Motor
2 Vehicles, and the State Treasurer is directed to pay the same
3 out of funds in the State Treasury.

4 Section 4. This act shall take effect upon becoming a
5 law.

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8 SENATE SUMMARY

9 Appropriates funds for the relief of Doretta Spurway for
10 injuries caused by the negligence of an employee of the
11 Department of Highway Safety and Motor Vehicles.
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