

By Senator Lawson

6-4-04

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 Chief Financial Officer is directed to  
31 draw a warrant in favor of Doretta Spurway in the sum of

1 \$221,942.37 upon funds of the Department of Highway Safety and  
2 Motor Vehicles, and the Chief Financial Officer is directed to  
3 pay the same 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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