

By Senator Lawson

6-115-06

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A bill to be entitled

An act relating to the Department of Highway Safety and Motor Vehicles; providing for the relief of Doretta Spurway for injuries she sustained as a result of negligence by an employee of the department; providing an effective date.

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

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

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

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

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

WHEREAS, Ms. Spurway continued to suffer persistent 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
10 | functional-capacity evaluation that was introduced into
11 | evidence at 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

31 |

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
4 functional-capacity evaluation, testified that Ms. Spurway has
5 lost 60 to 70 percent of the range of motion in her right
6 shoulder as a result of the accident and further testified
7 that Ms. Spurway is unable to perform the full duties of a
8 nursing assistant, and

9 WHEREAS, Ms. Spurway has been unable to work for over 5
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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