

HB 673

2007

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

8
9 WHEREAS, on January 30, 1998, a vehicle driven by Carol
10 Jean Robinson struck the rear of a vehicle driven by Doretta
11 Spurway while Ms. Spurway was stopped in traffic on State Road
12 60 at the intersection of Sharewood Drive in Brandon, Florida,
13 and

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

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

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

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

30 WHEREAS, Doretta Spurway continued to suffer persistent
31 weakness in her right shoulder and posttraumatic cervical
32 headaches resulting from the accident, and Dr. Fiore testified
33 that the posttraumatic cervical headaches are permanent, and

34 WHEREAS, Dr. Fiore also testified that Doretta Spurway
35 suffered a permanent injury to her shoulder in the accident,
36 which was confirmed by magnetic resonance imaging, and that
37 Doretta Spurway is a candidate for a future shoulder operation,
38 and

39 WHEREAS, following her surgery, Doretta Spurway sought
40 treatment from Dr. Luis Crespo, who performed a functional
41 capacity evaluation that was introduced into evidence at trial,
42 and

43 WHEREAS, Dr. Fiore testified that, within reasonable
44 medical certainty, the cost of the future shoulder surgery will
45 be \$20,000 and that Doretta Spurway will incur annual medical
46 bills of \$5,000 to \$6,000 for medication, physical therapy, and
47 treatment for her ongoing headaches and neck pain, and

48 WHEREAS, Dr. Crespo testified that, following surgery,
49 Doretta Spurway developed atrophy and chronic swelling of the
50 tissues in her shoulder and that Doretta Spurway will incur
51 annual medical bills of \$2,000 to \$2,500 for treatment of the
52 shoulder injury, excluding surgery, and

53 WHEREAS, before the accident, Doretta Spurway worked full
54 time as a certified nursing assistant for over 30 years, work

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55 that involved caring for elderly patients who are unable to care
56 for themselves, bathing patients, pushing patients in
57 wheelchairs, and helping patients to walk, and

58 WHEREAS, before the accident, Doretta Spurway earned
59 \$17,005 in 1997, and, following the accident, her annual income
60 dropped to \$7,172 in 1998, and Doretta Spurway has been unable
61 to work since 1998 as a result of her injuries, and

62 WHEREAS, Dr. Fiore testified that Doretta Spurway's
63 injuries prohibit her from working as a certified nursing
64 assistant, and Dr. Crespo, after conducting a functional
65 capacity evaluation, testified that Doretta Spurway has lost 60
66 to 70 percent of the range of motion in her right shoulder as a
67 result of the accident and further testified that Doretta
68 Spurway is unable to perform the full duties of a nursing
69 assistant, and

70 WHEREAS, Doretta Spurway has been unable to work for over 4
71 years, has had to sell her house, is living out of a car and
72 staying with friends and family, and currently has difficulty
73 paying for her necessary medications, and

74 WHEREAS, a jury determined that, as a result of the
75 accident, the amount of damages suffered by Doretta Spurway for
76 medical expenses, lost earnings, and loss of wage-earning
77 capacity is \$56,942.37, determined that the present value of
78 future medical care and treatment and lost wage-earning capacity
79 to be sustained in future years by Doretta Spurway is \$165,000,
80 and returned a verdict awarding a total amount of \$221,942.37 to
81 Doretta Spurway, and

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82 WHEREAS, the Department of Highway Safety and Motor
 83 Vehicles has paid \$100,000 pursuant to the statutory limits of
 84 liability set forth in s. 768.28, Florida Statutes, leaving a
 85 balance of \$121,942.37, NOW, THEREFORE,

86

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

88

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

91 Section 2. The sum of \$121,942.37 is appropriated from the
 92 General Revenue Fund to the Department of Highway Safety and
 93 Motor Vehicles for the relief of Doretta Spurway for injuries
 94 and damages sustained.

95 Section 3. The Chief Financial Officer is directed to draw
 96 a warrant in favor of Doretta Spurway in the sum of \$121,942.37
 97 upon funds of the Department of Highway Safety and Motor
 98 Vehicles, and the Chief Financial Officer is directed to pay the
 99 same out of funds in the State Treasury.

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