

Senate Bill No. 44

An act relating to the Palm Beach County Health Care District; providing for the relief of James Torrence; authorizing and directing the Palm Beach County Health Care District to compensate him for personal injuries resulting from surgery negligently performed by a health care district employee; providing an effective date.

WHEREAS, James Torrence is a 36-year-old deputy sheriff with the Palm Beach County Sheriff's Office, and

WHEREAS, during his work with the sheriff's office as a correctional officer, Deputy Torrence fell and twisted his knee, necessitating medical assistance, and

WHEREAS, Deputy Torrence was referred to Dr. Jose Thomas-Richards, an orthopedic surgeon practicing in Belle Glade, Florida, and employed by the Palm Beach County Health Care District, an entity subject to section 768.28, Florida Statutes, Florida's sovereign immunity statute, and

WHEREAS, Dr. Thomas-Richards determined that Deputy Torrence had torn the meniscus as well as the anterior cruciate ligament in his left knee, and he received Deputy Torrence's consent to perform a mini-arthrotomy, a surgery involving a small incision in the knee cap, and

WHEREAS, after awaking from the surgery, Deputy Torrence found that instead of a small scar on his knee, he was left with a scar on his leg that extended from approximately 6 inches above the knee to 6 inches below the knee, and

WHEREAS, following the surgery, Dr. Thomas-Richards immobilized Deputy Torrence's knee for 5 weeks in a brace, and

WHEREAS, Deputy Torrence continued to have problems with his knee after the surgery and was treated by three additional physicians who determined: that the meniscus that was supposedly removed by Dr. Thomas-Richards was left in the knee and was torn; that the anterior cruciate ligament that should have been repaired was missing; that additional surgeries will need to be performed to remove a surgical anchor inserted by Dr. Thomas-Richards; and that Deputy Torrence will need a total knee replacement in the future because of the problems caused by Dr. Thomas-Richard's surgery, and

WHEREAS, more recently, an orthopedic expert from Cornell University reviewed Deputy Torrence's case and indicated that the surgery performed on Deputy Torrence has not been done in the United States for 20 years, that the outdated surgery was improperly performed, and that it was improper to immobilize the knee following the surgery, and

WHEREAS, although Deputy Torrence has insisted on continuing his work as a corrections officer, he experiences significant pain on a daily basis and faces limitations in his work as a law enforcement officer due to the

physical problems associated with the surgery performed by Dr. Thomas-Richards, and

WHEREAS, suit was filed, in February 2000, against the Palm Beach County Health Care District, alleging that the negligent surgery performed by the district's employee caused the injuries and damages suffered by Deputy Torrence, and

WHEREAS, prior to trial, the parties began settlement negotiations in an effect to resolve this matter, and

WHEREAS, the parties have reached an agreement whereby the Palm Beach County Health Care District will pay a total of \$500,000 to resolve this claim, and

WHEREAS, pursuant to the agreement and in accordance with the limits set forth in section 768.28, Florida Statutes, the Palm Beach County Health Care District has paid James Torrence \$100,000, leaving a total of \$400,000 to be paid upon passage of a legislative claim bill, and

WHEREAS, the Palm Beach County Health Care District affirmatively supports the passage of a claim bill in the amount of \$400,000, NOW, THEREFORE,

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

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

Section 2. The Palm Beach County Health Care District is authorized and directed to appropriate from funds of the district not otherwise appropriated and to draw a warrant in the sum of \$400,000, which amount includes statutory attorney's fees and costs, payable to James Torrence, as compensation for injuries received due to the negligence of an employee of the Palm Beach County Health Care District.

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

Approved by the Governor May 23, 2002.

Filed in Office Secretary of State May 23, 2002.