

Senate Bill No. 32

An act relating to the City of Port St. Lucie; providing for the relief of J. C. Wendehake; providing for an appropriation to compensate him for injuries sustained as a result of the negligence of the City of Port St. Lucie; providing an effective date.

WHEREAS, on January 25, 1991, J. C. Wendehake, who was 16 years old, was the back-seat passenger in a vehicle driven by Lynn Amandro which was headed west on Port St. Lucie Boulevard, and

WHEREAS, at the same time, a police officer of the City of Port St. Lucie was operating a city-owned police vehicle that was headed east on Port St. Lucie Boulevard, and

WHEREAS, while traveling west, the Amandro vehicle made a left-hand turn across Port St. Lucie Boulevard, and

WHEREAS, at that time, the police vehicle traveling in the eastbound lane collided with the Amandro vehicle, with the brunt of the collision affecting the rear-passenger side of the vehicle where J. C. Wendehake was riding, and

WHEREAS, at the time of the accident, it was dark, the road was wet from rain, and there were several orange traffic signs indicating that the road was under construction and that vehicles should exercise caution, and

WHEREAS, because of the road construction, the speed limit on the road had been reduced from 40 mph to 30 mph in the area where the accident occurred, and

WHEREAS, the police officer admitted that he was traveling at a speed of between 35 and 40 mph, which was in excess of the posted speed limit of 30 mph, and

WHEREAS, as a result of the accident, J. C. Wendehake suffered severe and life-threatening injuries, including a closed head injury, permanent brain damage, a broken leg, and a punctured lung, and

WHEREAS, J. C. Wendehake was in a coma for 1 week and then spent a few months at an inpatient rehabilitation clinic before going home to his family, and

WHEREAS, as a result of his closed head injury and permanent brain damage, J. C. Wendehake suffers from severe memory loss, including loss of all memory of his life prior to the accident, as well as difficulty remembering simple tasks without prompting from his family, and

WHEREAS, the physician who oversaw J. C. Wendehake's lengthy rehabilitation has opined that J. C. has a minimum 50-percent impairment of the body as a whole, and

WHEREAS, J. C. Wendehake has incurred past medical expenses of more than \$250,000 and will need future medical care, including at least one total hip replacement in the future, and

WHEREAS, as a result of his injuries, J. C. Wendehake is unable to enjoy the activities that he enjoyed before the accident and has become depressed over his "deficiencies," and

WHEREAS, a lawsuit was filed against the City of Port St. Lucie, and

WHEREAS, expert testimony during the trial established that if the police officer had been operating his vehicle within the posted speed limit, the accident might not have occurred, and

WHEREAS, after 3 days of trial, a jury rendered a verdict against the City of Port St. Lucie and in favor of J. C. Wendehake in the amount of \$1,300,000, and

WHEREAS, the City of Port St. Lucie did not appeal the verdict and has paid \$100,000 pursuant to the limits of liability set forth in section 768.28, Florida Statutes, 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 City of Port St. Lucie is authorized and directed to appropriate from funds of the city not otherwise appropriated and, on or before October 31, 2000, to draw a warrant in the sum of \$75,000 payable to J. C. Wendehake as compensation for injuries sustained due to the negligence of the City of Port St. Lucie.

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

Became a law without the Governor's approval June 4, 2000.

Filed in Office Secretary of State June 2, 2000.