Florida House of Representatives - 1998 By Representative Cosgrove

1 A bill to be entitled 2 An act relating to Metropolitan Dade County; 3 providing for the relief of Bruce Wiggins as 4 Personal Representative of the Estate of Helen Wiggins, deceased, for the benefit of Bruce 5 6 Wiggins, Alisha Wiggins, a minor, and Jake 7 Wiggins, a minor; providing for an 8 appropriation to compensate them for the death 9 of Helen Wiggins as a result of the negligence of Metropolitan Dade County; providing an 10 effective date. 11 12 13 WHEREAS, on March 2, 1993, Helen Wiggins, wife of Bruce 14 Wiggins and mother of Alisha Wiggins, a minor, and Jake 15 Wiggins, a minor, was operating a motor vehicle westbound on S.W. 232nd Street in Dade County, and 16 17 WHEREAS, Helen Wiggins was approaching the intersection 18 of S.W. 232nd Street and S.W. 202nd Avenue, and WHEREAS, there was a stop sign at Helen Wiggins' 19 20 approach to the intersection, and 21 WHEREAS, according to accident reconstructionist Miles 22 Moss, and following the time sequence analysis and physical 23 evidence of the accident which occurred on March 2, 1993, 24 Helen Wiggins stopped her vehicle at the stop bar when she 25 reached S.W. 202nd Avenue, and then crossed the intersection, 26 and 27 WHEREAS, upon crossing the intersection, Helen Wiggins 28 was struck on the right side of her vehicle by a pickup truck 29 that was traveling southbound on S.W. 202nd Avenue, and 30 WHEREAS, the pickup truck that struck Helen Wiggins had 31 no stop sign governing its approach to the intersection, and 1

CODING: Words stricken are deletions; words underlined are additions.

Florida House of Representatives - 1998 141-444A-98

1 WHEREAS, on the northeast corner of the intersection at 2 which the accident occurred, there was a very large, high area 3 of shrubbery which was a visual obstruction to motorists who 4 approached the intersection, and 5 WHEREAS, this obstruction was within the right-of-way 6 owned and maintained by Dade County, and 7 WHEREAS, the bushes and weeds which constituted the 8 visual obstruction were approximately 6 feet in height and 9 covered an area of 80 to 100 feet in length and 12 to 15 feet 10 in width, and WHEREAS, this obstruction was a visual trap to Helen 11 12 Wiggins, who was able to see approaching vehicles from her 13 vantage point at the intersection, and 14 WHEREAS, as a result of the accident, Helen Wiggins 15 suffered a very serious brain injury, was comatose at the scene of the accident, and was airlifted to Jackson Memorial 16 17 Hospital in Miami, and 18 WHEREAS, Helen Wiggins remained comatose at Jackson 19 Memorial Hospital in Miami for 4 months following the accident, and 20 21 WHEREAS, when Helen Wiggins emerged from her comatose 22 state, she was paralyzed and could not eat or speak, and 23 WHEREAS, Helen Wiggins was diagnosed with closed head 24 trauma with severe neurologic defects, hemiplegia, 25 hemiparesis, and organic personality syndrome, and 26 WHEREAS, Helen Wiggins died on July 2, 1995, as a 27 result of the injuries she sustained in the accident of March 28 2, 1993, and 29 WHEREAS, during a jury trial which began in April 1996, 30 it was determined that Dade County failed to use reasonable 31 care to cut back foliage on the county right-of-way adjacent 2

CODING: Words stricken are deletions; words underlined are additions.

Florida House of Representatives - 1998 141-444A-98

to the public road, thus creating a dangerous visual 1 obstruction to motorists' view, and 2 3 WHEREAS, it was also determined that the minimum sight 4 distance requirements prescribed by state law were also 5 violated, and 6 WHEREAS, witnesses who lived in the rural neighborhood 7 in which the accident occurred testified that several 8 accidents had previously occurred at this intersection and 9 that Dade County had failed to clear the visual obstruction 10 created by the foliage, and WHEREAS, according to witnesses and aerial county 11 12 photographs, the bushes constituting a visual obstruction had 13 been in existence for years, and 14 WHEREAS, because of the dangerous nature of the visual 15 obstruction and previous accidents at the intersection, which included another fatality in August 1992, Dade County public 16 17 works crews had prepared a memorandum and diagram of the 18 intersection and the visual obstruction and labeled the condition an "emergency," with directions to "expedite" its 19 20 removal, and 21 WHEREAS, the Dade County Public Works Department 22 ignored its own memorandum to clear the obstruction, and 23 WHEREAS, on May 3, 1996, following a 3-week jury trial, a verdict was returned against Metropolitan Dade County in the 24 25 amount of \$2,775,236, and 26 WHEREAS, the jury assessed 20 percent comparative 27 negligence to the driver of the pickup truck, Charles Teggart, 28 and 30 percent negligence to Helen Wiggins, thus reducing the 29 final judgment to \$1,722,665, and 30 WHEREAS, the verdict was appealed by Metropolitan Dade 31 County, and

3

CODING:Words stricken are deletions; words underlined are additions.

Florida House of Representatives - 1998 141-444A-98 HB 3037

1 WHEREAS, on June 18, 1997, the Third District Court of 2 Appeal affirmed the decision of the circuit court, NOW, 3 THEREFORE, 4 5 Be It Enacted by the Legislature of the State of Florida: 6 7 Section 1. The facts stated in the preamble to this act are found and declared to be true. 8 9 Section 2. The Board of County Commissioners of 10 Metropolitan Dade County is authorized and directed to appropriate from funds of the county not otherwise 11 appropriated and to draw a warrant in the sum of \$1,522,665 12 13 payable to Bruce Wiggins as Personal Representative of the Estate of Helen Wiggins, deceased, for the benefit of Bruce 14 15 Wiggins, Alisha Wiggins, a minor, and Jake Wiggins, a minor, to compensate Bruce Wiggins, Alisha Wiggins, and Jake Wiggins 16 17 for the death of Helen Wiggins as a result of the negligence 18 of Metropolitan Dade County. Such amount shall be paid in 19 addition to the \$200,000 payable pursuant to section 768.28, 20 Florida Statutes, Florida's sovereign immunity statute. 21 Section 3. This act shall take effect upon becoming a 22 law. 23 24 25 26 27 28 29 30 31

CODING: Words stricken are deletions; words underlined are additions.