

STORAGE NAME: HB 1711a.cjc
DATE: April 17, 1997

**Florida House of Representatives
Committee on Civil Justice & Claims
Summary Claim Bill Report**

Bill #: HB 1711
Sponsor(s): Representative Rojas
References: Civil Justice & Claims; General Government Appropriations
CompanionBill(s): SB 2462 by Meadows (i)

A. Basic Information

- 1. Claimant:** Michelle Ponce (a minor)
- 2. Respondent:** Metropolitan Dade County
- 3. Amount Requested:** \$410,000
- 4. Type of Claim:** EXCESS JUDGMENT CLAIM/CONSENT JUDGMENT
- 5. Respondent's Posture:** The respondent has agreed to the settlement
- 6. Collateral Sources:** None apparent
- 7. Prior Legislative History:** None

B. Procedural Summary: The claimant filed a negligence suit against Metropolitan Dade County. At mediation, the county agreed to settle for \$469,362.64. The circuit court entered a consent final judgment in that amount. This judgment has been partially satisfied in the amount of \$59,362.64. HB1711 would require Metropolitan Dade County to pay the outstanding portion of the judgment.

C. Facts of the Case: On December 26, 1992, nine-year old Michelle Ponce was standing on a sidewalk. The operator of a Metropolitan Dade County bus lost control of the vehicle and struck three pedestrians, including Michelle Ponce. Michelle Ponce was diagnosed with an oblique fracture of the mid-femoral diaphysis, with full shaft lateral displacement. She also had an open wound of the right lower extremity. Michelle Ponce underwent surgery and remained hospitalized until January 14, 1993. In February 1993, she underwent another surgical procedure. Medical bills presently total \$111,554.65. Doctors indicate that Michelle Ponce will eventually require plastic surgery to reduce the scar on her leg.

LRS: _____ **LRD:** _____ **Date:** April 14, 1997
Charles R. Boning Richard Hixson