

By Senator Meadows

30-55A-98

1 A bill to be entitled
2 An act relating to Metropolitan Dade County;
3 providing for the relief of Michelle Ponce, a
4 minor; providing for an appropriation to
5 compensate her for injuries and damages
6 sustained as a result of the negligence of
7 Metropolitan Dade County; providing an
8 effective date.

9
10 WHEREAS, on December 26, 1992, Michelle Ponce, then
11 nine years of age, was standing on a sidewalk when the
12 operator of a bus owned by Metropolitan Dade County lost
13 control of the bus, striking two pedestrians and then striking
14 Michelle Ponce, and

15 WHEREAS, as a result of the accident, Michelle Ponce
16 sustained serious injuries and was immediately transported to
17 Jackson Memorial Hospital, and

18 WHEREAS, Michelle Ponce was admitted with a diagnosis
19 of an oblique fracture of the mid-femoral diaphysis, with full
20 shaft lateral displacement, as well as a disfiguring open
21 wound of the right lower extremity, and

22 WHEREAS, Michelle Ponce underwent surgery to attach a
23 femoral external fixator, as well as aggressive debridement of
24 her wound, and remained hospitalized until January 14, 1993,
25 and

26 WHEREAS, Michelle Ponce was readmitted to the hospital
27 on February 21, 1993, to undergo a second procedure to remove
28 the right femoral external fixator as well as to undergo a
29 split/thickness skin graft from the left thigh to the right
30 lower extremity, and remained hospitalized until March 2,
31 1993, and

1 WHEREAS, Michelle Ponce's doctors have indicated that
2 once Michelle Ponce reaches maturity, she will need to undergo
3 plastic surgery in an attempt to ameliorate the permanent and
4 disfiguring scar which she has been left with on her upper
5 right leg, and

6 WHEREAS, the medical bills incurred by Michelle Ponce
7 amounted to \$111,554.65, and

8 WHEREAS, the accident in which Michelle Ponce sustained
9 serious injuries formed the basis of legal action against
10 Metropolitan Dade County, and

11 WHEREAS, the matter was settled at mediation for the
12 sum of \$469,362.64, and

13 WHEREAS, the consent final judgment has been partially
14 satisfied in the amount of \$59,362.64, and

15 WHEREAS, Metropolitan Dade County supports the passage
16 of a claim bill for this claim in the amount of \$410,000, NOW,
17 THEREFORE,

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. The facts stated in the preamble to this
22 act are found and declared to be true.

23 Section 2. Metropolitan Dade County is authorized and
24 directed to appropriate from funds of the county not otherwise
25 appropriated and to draw a warrant in the sum of \$410,000
26 payable to Eumelia Olivera as guardian of Michelle Ponce, a
27 minor, for the benefit of Michelle Ponce for injuries and
28 damages sustained as a result of the negligence of
29 Metropolitan Dade County.

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