

By Senator Clary

7-135B-02

1 A bill to be entitled
2 An act relating to Broward County; providing
3 for the relief of Nicholas Maracic; providing
4 an appropriation to compensate him for injuries
5 sustained as a result of the negligence of
6 Broward County; providing an effective date.
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8 WHEREAS, on November 28, 1987, Nicholas Maracic was
9 riding his motorcycle in Broward County, and
10 WHEREAS, a Broward County employee was driving a county
11 bus and failed to properly operate the bus, failed to keep a
12 proper lookout for traffic, and failed to yield to Nicholas
13 Maracic, and
14 WHEREAS, Nicholas Maracic was hit by the front side of
15 the bus and sustained injuries when the Broward County bus
16 failed to yield the right-of-way and made a left turn in front
17 of Nicholas Maracic at an intersection in Broward County, and
18 WHEREAS, the Broward County bus driver was cited with a
19 traffic violation for violation of right-of-way for making a
20 left turn in front of approaching traffic, and
21 WHEREAS, the negligence of the Broward County bus
22 driver caused Nicholas Maracic serious physical injuries and
23 loss of his ability to earn a living in the restaurant
24 business, which was his trade prior to this accident, and
25 WHEREAS, Nicholas Maracic's injuries sustained by this
26 collision are a right upper extremity brachial plexus injury,
27 right forearm fracture, transverse fracture of the right
28 femur, complex fracture of the right proximal tibia and
29 fibula, stiffness of the right leg, complete disuse of the
30 right arm, limited range of motion of the right knee,
31 100-percent impairment of the right arm, 11-percent impairment

1 of the right leg, and 64-percent total impairment of the body,
2 and

3 WHEREAS, Nicholas Maracic will require future medical
4 care of a possible fusion of the left wrist, arthroscopy or
5 removal of the knee cap of the right knee, removal of the rod
6 in the right femur, and extensive and complex neurosurgical
7 treatment of the brachial plexus injury, and

8 WHEREAS, Nicholas Maracic has no use of his right arm
9 and limited use of his left arm, is unable to squat or kneel,
10 is unable to turn his neck, and has constant pain in the neck
11 and right arm, and

12 WHEREAS, this case went to trial in Broward County,
13 case number 88-31965-12, during the week of June 4, 1990, and

14 WHEREAS, a jury returned a verdict for Nicholas Maracic
15 in the amount of \$380,285, and

16 WHEREAS, Broward County did not appeal the jury's
17 verdict, and

18 WHEREAS, Broward County has paid \$100,000 pursuant to
19 section 768.28, Florida Statutes, NOW, THEREFORE,

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

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

25 Section 2. The Board of County Commissioners of
26 Broward County is authorized and directed to appropriate from
27 funds of the county not otherwise appropriated and to draw a
28 warrant in the total amount of \$280,285, which amount includes
29 statutory attorney's fees and costs, payable to Nicholas
30 Maracic to compensate him for injuries and damages sustained

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1 as a result of the negligence of an employee of Broward
2 County.
3 Section 3. This act shall take effect upon becoming a
4 law.
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