

By Senator Taddeo

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1 A bill to be entitled

2 An act for the relief of Ruth Arizpe by the Palm Beach
3 County Board of County Commissioners; providing for an
4 appropriation to compensate her for injuries and
5 damages sustained as a result of the negligence of an
6 employee of Palm Beach County; providing a limitation
7 on the payment of compensation and attorney fees;
8 providing an effective date.

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10 WHEREAS, on February 5, 2015, Ruth Arizpe boarded a Palm
11 Tran bus, owned and operated by Palm Beach County, and

12 WHEREAS, the bus driver abruptly accelerated before Ms.
13 Arizpe was seated, even though the bus driver knew that the
14 floor was wet and slippery, causing Ms. Arizpe to fall on the
15 rainslicked floor, and

16 WHEREAS, Ms. Arizpe was transported by Palm Beach County
17 Fire Rescue to the Wellington Regional Medical Center, where she
18 received six staples and sutures to close a 3-inch laceration on
19 her right knee, and

20 WHEREAS, Ms. Arizpe's followup care was provided by Robert
21 Simon, M.D., who obtained an MRI of Ms. Arizpe's low back and
22 right knee, which revealed an extruded herniation impinging on
23 the S1 nerve root in her low back and an effusion consistent
24 with tendonitis in her right knee, and

25 WHEREAS, Ms. Arizpe underwent an intense course of physical
26 therapy and injections to treat her low back and right knee, and

27 WHEREAS, Ms. Arizpe will need to undergo surgeries, engage
28 in periodic courses of physical therapy, take pain medication,
29 and receive injection therapy due to the permanent injury and

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30 disability to her low back and right knee, and

31 WHEREAS, Ms. Arizpe has incurred medical bills in the
32 amount of \$45,150.72, and the cost of her future medical
33 treatment is projected to be \$484,198.25, and

34 WHEREAS, as a matter of law, a jury returned a verdict
35 against the Palm Beach County Board of County Commissioners and
36 the verdict was reduced to a final judgment in the amount of
37 \$512,546.56, and

38 WHEREAS, pursuant to the judgment, the Palm Beach County
39 Board of County Commissioners has paid \$200,000 to Ms. Arizpe
40 under the statutory limits of liability set forth in s. 768.28,
41 Florida Statutes, and \$312,546.56 remains unpaid, NOW,
42 THEREFORE,

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

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46 Section 1. The facts stated in the preamble to this act are
47 found and declared to be true.

48 Section 2. The Palm Beach County Board of County
49 Commissioners is authorized and directed to appropriate from
50 funds not otherwise encumbered and to draw a warrant payable to
51 Ruth Arizpe in the sum of \$312,546.56 as compensation for
52 injuries and damages sustained.

53 Section 3. The amount paid by the Palm Beach County Board
54 of County Commissioners pursuant to s. 768.28, Florida Statutes,
55 and the amount awarded under this act are intended to provide
56 the sole compensation for all present and future claims arising
57 out of the factual situation described in this act which
58 resulted in injuries and damages to Ruth Arizpe. The total

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59 amount paid for attorney fees relating to this claim may not
60 exceed 25 percent of the amount awarded under this act.

61 Section 4. This act shall take effect upon becoming a law.