

By Senator Rouson

16-00073-23

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1                   A bill to be entitled  
2           An act for the relief of Maria Garcia by the Pinellas  
3           County School Board; providing an appropriation to  
4           compensate her for injuries sustained as a result of  
5           the negligence of an employee of the Pinellas County  
6           School Board; providing legislative intent regarding  
7           the waiver of certain liens; providing a limitation on  
8           compensation and the payment of attorney fees;  
9           providing an effective date.

10  
11           WHEREAS, on February 13, 2019, at about 7 a.m., Maria  
12           Garcia, then a 41-year-old single mother of two daughters,  
13           walked her usual route to a convenience store located at the  
14           intersection of U.S. 19 and Curlew Road in Clearwater, on her  
15           way to catch a bus for work at a local thrift store, and

16           WHEREAS, Ms. Garcia's route to the convenience store  
17           required her to walk north along U.S. 19, then cross Curlew Road  
18           and continue on U.S. 19, and

19           WHEREAS, it was raining lightly, and Ms. Garcia was wearing  
20           a bright red jacket and holding a large blue umbrella over her  
21           head, and

22           WHEREAS, Ms. Garcia entered the marked crosswalk when the  
23           traffic light to cross Curlew Road turned green and the "walk"  
24           icon on the pedestrian traffic signal gave her the right of way,  
25           and

26           WHEREAS, while in the crosswalk, Ms. Garcia was struck by a  
27           school bus carrying 28 students driven by Patricia Gavin, an  
28           employee of the Pinellas County School Board, and

29           WHEREAS, the right front side of the bus hit Ms. Garcia

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30 squarely, her umbrella flew upward on impact, and she was thrown  
31 out of the crosswalk to the pavement, and

32 WHEREAS, the rear wheels of the bus then ran over Ms.  
33 Garcia as the bus turned, and Ms. Garcia was left directly  
34 behind the bus in the westbound lanes of Curlew Road, just east  
35 of the crosswalk, and

36 WHEREAS, the bus left the scene, and Ms. Gavin did not  
37 report anything unusual, and

38 WHEREAS, when later questioned, Ms. Gavin said she "heard a  
39 thump" but thought she had hit the curb, and

40 WHEREAS, Ms. Gavin later admitted that she had not followed  
41 her authorized route and that she was unable to see Ms. Garcia  
42 because the front windshield of the school bus was fogged and  
43 her vision was obscured, and

44 WHEREAS, Ms. Garcia was transported by ambulance to  
45 Bayfront Hospital in St. Petersburg, the closest trauma center  
46 to the accident site, and

47 WHEREAS, Ms. Garcia was treated for multiple life-  
48 threatening injuries, including broken pelvic bones, fractures  
49 in her left and right hip joints, fractures in her lumbar spine  
50 and ribs, a fractured left shoulder blade, a large area of torn  
51 skin from her upper leg, injuries to ligaments in her right  
52 knee, a damaged spleen, a collapsed left lung, internal  
53 bleeding, and other internal injuries, and

54 WHEREAS, Ms. Garcia was hospitalized for more than 2  
55 months, 1 month of which was spent in intensive care, during  
56 which time she underwent multiple surgeries, skin grafts, pain  
57 management, and therapy, and

58 WHEREAS, Ms. Garcia's right arm sustained nerve damage,

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59 rendering the arm immobile and causing her to have great  
60 difficulty writing, gripping objects, or using the fingers of  
61 her right hand, and

62 WHEREAS, Ms. Garcia suffered a traumatic brain injury,  
63 likely from a posttraumatic stroke, and exhibits associated  
64 deficits in memory, concentration, executive function, and  
65 language skills, and

66 WHEREAS, Ms. Garcia has never recovered from her injuries,  
67 continues to limp, has trouble keeping her balance, and cannot  
68 walk more than the length of a room without a walker or other  
69 assistance, and

70 WHEREAS, Ms. Garcia struggles with daily living, cannot  
71 lift pots and pans or stay on her feet long enough to cook, and  
72 her brain injuries often prevent her from remembering the right  
73 ingredients or sequences for preparing food, and

74 WHEREAS, Ms. Garcia's skin grafts have become infected  
75 several times, and she has had to return to the emergency room  
76 to have them treated, and

77 WHEREAS, Ms. Garcia's medical bills total \$1,988,328.11 and  
78 continue to increase as she suffers residual accident-related  
79 conditions, and

80 WHEREAS, at the time of her injury, Ms. Garcia made \$9 per  
81 hour and worked 40 hours per week as a stocker in a thrift shop,  
82 equating to \$18,000 per year, and has now been out of work for  
83 more than 3 years with lost wages totaling \$60,000, and

84 WHEREAS, a life care plan created by Dr. Gloydian Cruz, a  
85 physician board certified in physical medicine and  
86 rehabilitation, calculated that Ms. Garcia will require future  
87 care of \$1,206,645.99, with a present value of \$1,431,321, and

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88 WHEREAS, Ms. Garcia has a work-life expectancy of 24 more  
89 years, resulting in a loss of future earning capacity of  
90 \$432,000 before reduction to present value, and

91 WHEREAS, in resolving the civil action brought in the  
92 Circuit Court for the Sixth Judicial Circuit, in and for  
93 Pinellas County, *Maria Garcia vs. the School Board of Pinellas*  
94 *County*, Case No. 19-008530-CI, the Pinellas County School Board  
95 admitted liability and agreed to a Consent Judgment entered on  
96 May 16, 2022, against the Pinellas County School Board in the  
97 amount of \$3 million with interest accruing at the statutory  
98 rate, NOW, THEREFORE,

99  
100 Be It Enacted by the Legislature of the State of Florida:

101  
102 Section 1. The facts stated in the preamble to this act are  
103 found and declared to be true.

104 Section 2. In addition to the \$200,000 already paid to  
105 Maria Garcia, the Pinellas County School Board is authorized and  
106 directed to appropriate from funds of the school board not  
107 otherwise encumbered and to draw a warrant in the sum of \$2.8  
108 million payable to Maria Garcia as compensation for injuries and  
109 damages sustained by Maria Garcia due to the negligence of an  
110 employee of the Pinellas County School Board.

111 Section 3. Excluding the federal portions of any liens,  
112 Medicaid or otherwise, which the claimant must satisfy pursuant  
113 to s. 409.910, Florida Statutes, it is the intent of the  
114 Legislature that the lien interests relating to the care and  
115 treatment of Maria Garcia are hereby waived and extinguished.

116 Section 4. The amount paid by the Pinellas County School

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117 Board pursuant to s. 768.28, Florida Statutes, and the amount  
118 awarded under this act are intended to provide the sole  
119 compensation to Maria Garcia for all present and future claims  
120 arising out of the factual situation described in this act. The  
121 total amount paid for attorney fees relating to this claim may  
122 not exceed 25 percent of the amount awarded under this act.

123 Section 5. This act shall take effect upon becoming a law.