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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.