

HB 6019

2024

1 A bill to be entitled
2 An act for the relief of J.N., a minor, by
3 Hillsborough County; providing an appropriation to
4 Stephany Grullon, as parent and guardian of J.N., to
5 compensate J.N. for injuries and damages sustained as
6 a result of the negligence of Hillsborough County in
7 maintaining sidewalk repairs; providing a limitation
8 on the payment of attorney fees; providing an
9 effective date.

10
11 WHEREAS, on June 7, 2019, in the afternoon, J.N., an 11-
12 year-old child at the time, was riding her bicycle, accompanied
13 by her mother's fiancé, Gabriel Soto, on a sidewalk located
14 along the east side of East Bay Road and adjacent to the East
15 Bay Lakes subdivision in Gibsonton, and

16 WHEREAS, the sidewalk is owned and maintained by
17 Hillsborough County, and

18 WHEREAS, J.N. was wearing her helmet while riding her
19 bicycle when her bicycle wheel hit an uneven area of the
20 concrete slab sidewalk causing her to lose control of her
21 bicycle and tumble down a steep slope next to the sidewalk, and

22 WHEREAS, by careening face forward over the handlebars into
23 a concrete and metal corrugated drainage culvert pipe, J.N.
24 lacerated portions of her gums, fractured her jaw, and avulsed

25 multiple adult teeth, and

26 WHEREAS, J.N. was rushed to the emergency room at St.
27 Joseph's Hospital where she underwent a CT scan which revealed a
28 fracture of the nasal bone, fracture of the maxilla, and fracture
29 of the superior alveolus, and

30 WHEREAS, the severity of the injuries required plastic
31 surgery intervention and on June 8, 2019, J.N. underwent a
32 surgical procedure consisting of exploration and removal of
33 the impacted gingiva into her nasal structures and into the
34 upper maxilla, repair of the midline laceration of the upper
35 lip, and repair of the gingiva and lower lip vermilion, and

36 WHEREAS, on June 14, 2019, J.N. underwent a second surgery
37 consisting of a closed reduction of her nasal fracture, and

38 WHEREAS, on February 20, 2021, J.N. was seen by Pediatric
39 Epilepsy and Neurology Specialists due to headaches that she
40 experienced as frequently as once or twice a week and which had
41 first started shortly after the accident, and

42 WHEREAS, on March 16, 2022, J.N. was seen by an oral
43 surgeon at the Moffett Oral Surgery and Dental Implant
44 Center, during which time she was informed that she would
45 need a bone graft and eventually an implant, and

46 WHEREAS, J.N. has to wait for her bones to finish growing
47 before Dr. Moffett can proceed with the bone graft, which he
48 expects will be when J.N. is 16 or 17 years old, and

49 WHEREAS, after J.N. heals from her bone graft, Moffett Oral
50 Surgery and Dental Implant Center will then start the process
51 for implants and eventually crowns, and

52 WHEREAS, along with the medical treatment and bills
53 associated with this injury, J.N. has suffered intangible and
54 emotional losses, has an extreme loss of self-esteem, and
55 struggles socially with her peers, and

56 WHEREAS, the county was on notice that the same section
57 of sidewalk where J.N. had her accident was in need of repair
58 and replacement as early as October 7, 2015, by way of a work
59 request order which had been received, and

60 WHEREAS, in 2016, Juan Olivero Lopez, a Hillsborough
61 County maintenance supervisor responsible for sidewalk
62 maintenance, stated that he was directed by the county to
63 inspect the sidewalk, and

64 WHEREAS, Juan Olivero Lopez further stated that in
65 response to the work order, the South Service Unit performed a
66 physical inspection of the sidewalk before the date of the
67 accident, but that repairs to make the sidewalk safe were
68 never performed, and

69 WHEREAS, the drainage ditch and culvert system located next
70 to the sidewalk were also in need of maintenance and repair, as
71 evidenced by the extensive deterioration of the concrete and
72 metal corrugated drainage culvert pipe which had become jagged

73 and rusted, and

74 WHEREAS, Hillsborough County employee, William Cox, a civil
 75 engineer responsible for drainage culvert replacement and
 76 planning, stated that he was not responsible for the maintenance
 77 of the culvert, and

78 WHEREAS, Juan Olivero Lopez, as a maintenance supervisor of
 79 the South Service Unit, stated that he was also not responsible
 80 for the maintenance of the culvert, and

81 WHEREAS, clearly there was a gap in maintenance
 82 responsibility for the culvert, which was never repaired and
 83 which contributed to the severity of J.N.'s injuries, and

84 WHEREAS, Stephany Grullon and Hillsborough County entered
 85 into a settlement and release agreement on September 20,
 86 2022, in which the county agreed to pay Stephany Grullon
 87 \$600,000 to settle all claims, and

88 WHEREAS, Hillsborough County paid \$200,000, the sovereign
 89 immunity limit under s. 768.28, Florida Statutes, to Stephany
 90 Grullon within 20 days after entering into the settlement
 91 agreement, and

92 WHEREAS, Hillsborough County acknowledged and agreed not
 93 to oppose a legislative claims bill that would be filed
 94 during the 2023 Regular Session of the Legislature or in a
 95 subsequent legislative session for the additional \$400,000,
 96 and

97 WHEREAS, the statutory limit under s. 768.28, Florida
 98 Statutes, paid to Stephany Grullon is \$200,000, but the
 99 balance of \$400,000 remains unpaid, NOW, THEREFORE,

100
 101 Be It Enacted by the Legislature of the State of Florida:
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103 Section 1. The facts stated in the preamble to this act
 104 are found and declared to be true.

105 Section 2. Hillsborough County is authorized and directed
 106 to appropriate from funds of the county not otherwise encumbered
 107 and draw a warrant in the sum of \$400,000 payable to Stephany
 108 Grullon, as parent and guardian of J.N., to be placed in a trust
 109 created for the exclusive use and benefit of J.N. for injuries
 110 and damages sustained.

111 Section 3. The amount awarded under this act is intended
 112 to provide the sole compensation for all present and future
 113 claims arising out of the factual situation described in this
 114 act which resulted in injuries and damages to J.N. The total
 115 amount paid for attorney fees and costs, lobbying fees, and
 116 other similar expenses relating to this claim may not exceed 25
 117 percent of the total amount awarded under this act.

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