

By Senator Burgess

23-00079-25

202520\_\_

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 she sustained  
6       as a result of the negligence of Hillsborough County  
7       in maintaining sidewalks and culvert systems;  
8       providing a limitation on compensation and the payment  
9       of certain fees and costs; providing an effective  
10      date.

11  
12       WHEREAS, on the afternoon of June 7, 2019, J.N., then 11  
13      years of age, was riding her bicycle, accompanied by her  
14      mother's fiancé, Gabriel Soto, on a sidewalk located along the  
15      east side of East Bay Road and adjacent to the East Bay Lakes  
16      subdivision in Gibsonton, and

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

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

23       WHEREAS, J.N. careened face forward over the bicycle's  
24      handlebars into a concrete and corrugated metal drainage culvert  
25      pipe and lacerated portions of her gums, fractured her jaw, and  
26      avulsed multiple adult teeth, and

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

23-00079-25

202520\_\_

30 alveolus, and

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

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

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

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

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

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

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

57 WHEREAS, Hillsborough County was on notice that the same  
58 section of sidewalk where J.N. had her accident was in need of

23-00079-25

202520\_\_

59 repair and replacement as early as October 7, 2015, as evidenced  
60 by the filing of a work request order, and

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

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

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

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

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

82 WHEREAS, clearly there was a gap in assigning or accepting  
83 responsibility for maintenance of the culvert, and the resulting  
84 failure to repair the drainage ditch and culvert system, coupled  
85 with the failure to repair or replace the sidewalk, contributed  
86 to the severity of J.N.'s injuries, and

87 WHEREAS, J.N.'s parent and guardian, Stephany Grullon, and

23-00079-25

202520\_\_

88 Hillsborough County entered into a settlement and release  
89 agreement on September 20, 2022, in which the county agreed to  
90 pay Stephany Grullon \$600,000 to settle all claims, and

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

95 WHEREAS, Hillsborough County acknowledged and agreed not to  
96 oppose a legislative claims bill that would be filed during the  
97 2023 Regular Session of the Legislature or in a subsequent  
98 legislative session for the additional \$400,000, and

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

102

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

104

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

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

113 Section 3. The amount paid by Hillsborough County pursuant  
114 to s. 768.28, Florida Statutes, and the amount awarded under  
115 this act are intended to provide the sole compensation for all  
116 present and future claims arising out of the factual situation

23-00079-25

202520\_\_

117 described in this act which resulted in injuries and damages to  
118 J.N. The total amount paid for attorney fees and costs, lobbying  
119 fees, and other similar expenses relating to this claim may not  
120 exceed 25 percent of the total amount awarded under this act.

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