

CHAPTER 2023-321

Senate Bill No. 4

An act for the relief of Maria Garcia by the Pinellas County School Board; providing an appropriation to compensate her for injuries sustained as a result of the negligence of an employee of the Pinellas County School Board; providing legislative intent regarding the waiver of certain liens; providing a limitation on compensation and the payment of attorney fees; providing an effective date.

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

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

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

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

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

WHEREAS, the right front side of the bus hit Ms. Garcia squarely, her umbrella flew upward on impact, and she was thrown out of the crosswalk to the pavement, and

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

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

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

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

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

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

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

WHEREAS, Ms. Garcia’s right arm sustained nerve damage, rendering the arm immobile and causing her to have great difficulty writing, gripping objects, or using the fingers of her right hand, and

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 4. The amount paid by the Pinellas County School Board pursuant to s. 768.28, Florida Statutes, and the amount awarded under this act are intended to provide the sole compensation to Maria Garcia for all present and future claims arising out of the factual situation described in this act. The total amount paid for attorney fees relating to this claim may not exceed 25 percent of the amount awarded under this act.

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

Approved by the Governor June 9, 2023.

Filed in Office Secretary of State June 9, 2023.