

1 A bill to be entitled
2 An act for the relief of Ruth Arizpe by Palm Beach
3 County; providing for an appropriation to compensate
4 her for injuries sustained as a result of the
5 negligence of an employee of the Palm Beach County
6 Palm-Tran bus service; providing a limitation on the
7 payment of attorney fees; providing an effective date.
8

9 WHEREAS, on February 5, 2015, Ruth Arizpe, age 27, boarded
10 a Palm Beach County Palm-Tran bus, and

11 WHEREAS, just after Ruth Arizpe boarded the bus and began
12 to find a seat, the bus driver abruptly accelerated, causing Ms.
13 Arizpe to fall on a rain-slicked floor, and

14 WHEREAS, the bus driver, an employee of Palm Beach County
15 and acting within the course and scope of his employment, had a
16 legal duty to exercise the highest duty of care for the safety
17 of all passengers, and

18 WHEREAS, under the circumstances, the bus driver carelessly
19 failed to determine whether Ms. Arizpe could get to a seat or in
20 a position that would allow her to be safe from falling before
21 he began to suddenly accelerate, and

22 WHEREAS, multiple witnesses testified and confirmed that
23 the floor was rain-slicked and that Ms. Arizpe fell as a result
24 of the bus driver's failure to wait for her to be seated or be
25 safe from falling before he accelerated, and

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26 WHEREAS, Ms. Arizpe's fall was sudden and violent as she
27 slammed to the floor on her back, while her right leg struck a
28 hard metal bench, injuring her lumbar spine and right leg and
29 lacerating her knee, and

30 WHEREAS, Ms. Arizpe was rushed by Palm Beach County Fire
31 Rescue to Wellington Regional Medical Center, where she was
32 treated for injuries to her lumbar spine and her lacerations
33 were debrided, sutured, and stapled, and

34 WHEREAS, Ms. Arizpe began orthopedic treatment with a
35 board-certified physician who conducted diagnostic tests and
36 examinations, including MRIs of Ms. Arizpe's lumbar spine and
37 right leg, and

38 WHEREAS, the tests determined that Ms. Arizpe sustained a
39 lumbar spinal injury that included an extruded herniation to the
40 S1 nerve root and effusion and tendon injuries to her right
41 knee, and

42 WHEREAS, Ms. Arizpe underwent an intense course of physical
43 therapy and neurological injections, and

44 WHEREAS, Ms. Arizpe's physician testified that she has
45 permanent injuries as a result of her fall and will need to
46 undergo future surgeries on her spine and knee as well as
47 periodic courses of physical therapy, pain medication, and
48 injection therapy, and

49 WHEREAS, as a result of her injuries, Ms. Arizpe incurred
50 medical bills in the amount of \$45,150.72, and

51 WHEREAS, a life care plan for Ms. Arizpe projects the cost
 52 of her future medical treatment and care to be \$484,198.25,
 53 reduced to present value, and

54 WHEREAS, after a lengthy trial, the jury returned a verdict
 55 in favor of Ms. Arizpe, finding the bus driver at fault for 55
 56 percent of Ms. Arizpe's damages, and

57 WHEREAS, the jury determined that Ms. Arizpe's total
 58 damages were \$869,348.97; however, the trial judge the reduced
 59 the verdict by 45 percent to reflect the jury's finding of
 60 comparative negligence, and

61 WHEREAS, the final judgment was entered in the amount of
 62 \$478,141.93, and a cost judgment was entered in the amount of
 63 \$34,404.63, and

64 WHEREAS, the Board of County Commissioners of Palm Beach
 65 County paid the applicable sovereign immunity limit of \$200,000
 66 pursuant to s. 768.28, Florida Statutes, leaving an unpaid final
 67 judgment balance of \$278,141.93 and cost judgment of \$34,404.63,
 68 for a total amount of \$312,546.56, and

69 WHEREAS, Ms. Arizpe seeks satisfaction of the \$312,546.56
 70 balance of the final and cost judgments, NOW, THEREFORE,

71
 72 Be It Enacted by the Legislature of the State of Florida:

73
 74 Section 1. The facts stated in the preamble to this act
 75 are found and declared to be true.

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76 Section 2. The Board of County Commissioners of Palm Beach
77 County is authorized and directed to appropriate from funds of
78 the county not otherwise encumbered and to draw a warrant in the
79 sum of \$312,546.56 payable to Ruth Arizpe as compensation for
80 injuries and damages sustained due to the negligence of the Palm
81 Beach County employee.

82 Section 3. The amount paid by the Board of County
83 Commissioners of Palm Beach County pursuant to s. 768.28,
84 Florida Statutes, and the amount awarded under this act are
85 intended to provide the sole compensation for all present and
86 future claims arising out of the factual situation described in
87 the preamble to this act which resulted in the injuries and
88 damages to Ruth Arizpe. The total amount paid for attorney fees
89 relating to this act may not exceed 25 percent of the amount
90 awarded under this act.

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