



The Law Offices of Marc L. Shapiro, P.A.

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BOTH SWORD AND SHIELD SOVEREIGN IMMUNITY IN FLORIDA

Recently, the 4th District Court of Appeals in Florida ruled that the Broward and Palm Beach County school boards did not have to reimburse the State Farm Mutual Automobile Insurance Company for the medical expenses of three individuals injured in school bus accidents. The court made this decision because of sovereign immunity, a legal doctrine that protects government entities from being sued without their consent. This ruling raises important questions about the application of sovereign immunity and its impact on PIP claims. It also raises concern about how the government may use sovereign immunity as a shield for misconduct and a sword against those seeking to recoup damages.

Waiver of Immunity

Florida Statute §768.28 states that sovereign immunity is waived in tort actions or personal injury claims. Florida waives its immunity in

these cases but institutes a statutory cap of \$200,000 per person and \$300,000 per incident. In practice, this means the government can be sued for damages, but the amount of damages recouped can be limited. For example, if there were an accident involving five people, the most the government would pay out between the five of them would be \$300,000, and no more than \$200,000 could be awarded to any one of them.

On its face, the 4th District Court of Appeals ruling seems to run counter to state law. However, while sovereign immunity has an exception for personal injury cases, in its lawsuit, State Farm sought reimbursement of Personal Injury Protection (PIP) benefits paid to its policyholders involved in separate school bus accidents. The court's decision means that sovereign immunity shields school boards from these sorts of reimbursement claims, which highlights a significant limitation in the interaction between PIP coverage and government liability. The court's decision aligns with established legal precedent and upholds sovereign immunity for government agencies. Florida courts have consistently ruled that sovereign immunity protects government entities from various types of lawsuits, with only a few exceptions.

My Personal Perspective

As a personal injury attorney practicing in Naples, Florida, I understand the frustrations of dealing with sovereign immunity. It can be particularly challenging for individuals who suffer significant injuries in accidents involving government vehicles or injuries resulting from medical malpractice in publicly owned

medical facilities. The cap on recovery limits the compensation available, often leaving injured parties without full recourse for their losses. For example, I had a case where my client sought damages against a doctor who had badly botched up their medical care. However, the doctor practiced at a university hospital covered under sovereign immunity. When we asked their attorney for the maximum amount allowed, \$200,000, they countered that they would only give us \$150,000. They told us we would have to spend at least \$100,000 to prosecute them, and we would not earn any more than the \$200,000 cap even if we were successful. The state likes to use this as a negotiation tool when it really should not.

Conclusion

The recent ruling by the 4th District Court of Appeals underscores the complexities of sovereign immunity and its implications for personal injury claims involving state government entities. While this decision may be disappointing for those seeking additional compensation, it reaffirms the established legal framework in Florida.

Understanding sovereign immunity and its limitations is crucial for anyone involved in an accident with a government vehicle. If you have questions or need legal assistance, don't hesitate to reach out to a qualified personal injury attorney to explore your options and protect your rights.

-Marc L. Shapiro



LAWS GONE WILD!

America's Most Bizarre Legal Relics



Thanks to our country's perpetually in flux judicial system, countless laws are still on the books that echo times long gone. They're outdated and absurd, often leaving citizens wondering, "What necessitated that rule?" Let's look at some bizarre laws from across the U.S. (even if no one enforces them)!

If you're in Wyoming, avoid tattooing any horses.

This law was made to stop people from making horses unrecognizable to their owners. Apparently, that was a big enough issue back in the day that it needed to be codified.

Don't tie your giraffe to a telephone pole or streetlamp in Georgia.

Isn't it embarrassing when there's nowhere to tie up the family giraffe on a quick errand? Wait, what? Don't tie that long-necked beauty to the wrong anchor point in

Atlanta. It's believed this rule was enacted to prevent animal abuse, but it is unclear why lawmakers got so specific.

Get married in Texas by publicly announcing yourselves as husband and wife three times.

Make it legal with three public announcements, even if only one spouse is present for the proclamation. The requirement states that both parties must be willing participants, over 18, and unrelated.

All cats in New Jersey must wear three bells to alert birds of their whereabouts.

Outdoor cats are notoriously dangerous to the local wildlife populations, and Cresskill, New Jersey, decided they needed a law to protect feathery friends from their greatest foes. We're not sure the cats are on board with this rule.

If you're caught flirting in New York, you could pay a \$25 fine.

In the early 1900s, flirting was such an issue that cities held an annual Anti-Flirt Week. This law aimed to help women feel safer on the streets by diminishing catcalling from passing motorists. Reportedly, a second offense would require the offender to wear horse blinders in public!

While these laws may seem silly, no one enforces them anymore — even though they're still on the books. Instead of holding any weight, they offer a glimpse into the concerns of our forefathers. The next time you encounter a strange law in your town, take a moment to ponder the history; you never know what you might learn about the place you call home.

FLORIDA'S BEST

RAVE REVIEWS FROM OUR CLIENTS

"Katie and the rest of the folks I interacted with at the Law Firm of Marc Shapiro were very attentive after my car accident. They were easy to get ahold of and answered all my questions. They also obtained my settlement after the other person's insurance company tried to disregard my injury and damage to my vehicle. I didn't have to worry about a thing, and they took great care with my case. Thank you for everything!" –Elizabeth F.

"The staff really takes ownership and takes care of matters efficiently." –Oscar F.

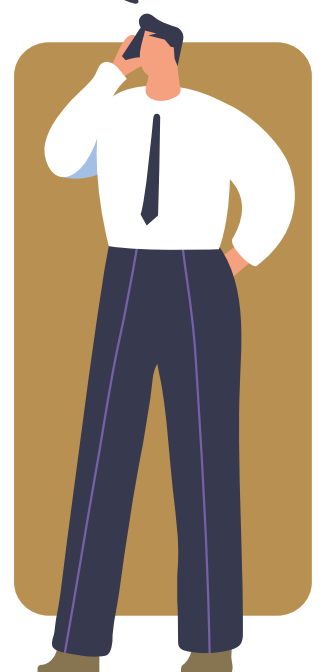
"Hello, good morning to my lawyer Marc L. Shapiro. Thank you for being my defender and, at the same time, my translator. I feel very happy." –Caridad B.

"The Law Office of Marc L. Shapiro is honestly one of the best in Naples. All the staff were always on top of my case. Jessica was very informative and gave me all the information I needed." –Rosio D.

"My attorney, Patrick Kelleher, at the Law Offices of Marc L. Shapiro, is an amazing personal injury attorney, and I recommend him. This is the second case we have won. Thank you so much." –Jacqueline A.

"Great staff and amazing care!" –Alexis B.

"Thank you! Katie Moore and the rest of the team were extremely helpful and friendly. Will be referring others to the Law Offices of Marc Shapiro in the future. Thanks again." –Michael M.



Maximize Your Chances

3 WAYS YOU CAN HELP YOUR CASE

Many factors can impact the success of your case. Personal injury lawsuits are civil rather than criminal and do not have the same burden of proof as you may be familiar with. While criminal cases require the prosecutor to prove a case "beyond a reasonable doubt," all you need to prove in a civil case is that it is "more likely than not" that the defendant is responsible for any harm you have suffered. The most crucial aspect of your case is your attorney. An experienced litigator can help you understand and improve your chances of reaching a successful legal outcome. However, other components make a successful case of which you should be aware and rely on you to take action.

Evidence Collection

The more evidence you have to support your personal injury lawsuit, the better. Evidence can help demonstrate that the defendant is responsible for the incident that resulted in your injuries and for which you seek damages. While at the scene of the accident, you must take photos and video, not just of the damages, but of other people at the scene. They can be identified later to provide witness testimony. It is also essential to seek medical treatment immediately after your

accident, as failure to do so within two weeks could result in a loss of damages. The medical records and injury documentation from that treatment could be crucial for your case.

File Quickly

It is important to file your personal injury lawsuit as quickly as possible. The Florida Statute of Limitations for personal injury cases is two years from the accident date. Filing early gives your legal team more time to prepare for the trial process and can improve your chances of reaching the best legal outcome possible.

Will You Settle?

According to the U.S. Department of Justice, only about 3% of personal injury cases go to trial. The rest, an overwhelming 97%, are settled out of court. Reaching an agreement and coming to an agreed settlement out of court may be the right option for you. However, sometimes going to trial can secure you a larger settlement than you would have earned in your settlement. Consult your attorney about whether you would be better off settling your case or going to trial.



Tasty Turkey Meatloaf

Ingredients

- 1 lb ground turkey
- 1 onion, diced
- 2 cloves garlic, minced
- 1/2 cup bread crumbs
- 1/2 cup grated Parmesan cheese
- 2 tbsp ketchup
- 2 tbsp Worcestershire sauce
- 2 eggs
- 2 tbsp chopped fresh parsley
- Salt and pepper, to taste

Directions

1. Preheat oven to 375 F and line a baking dish with parchment paper.
2. In a large bowl, combine turkey, onion, garlic, bread crumbs, Parmesan cheese, ketchup, Worcestershire sauce, eggs, parsley, salt, and pepper.
3. Form the mixture into a loaf shape and place it in the baking dish.
4. Bake for 45 minutes or until the internal temperature reaches 165 F.
5. Let the meatloaf rest for 10 minutes before slicing.

Word Search



ABUNDANT FALL LABOR
APPLES GOLDEN MAPLE
COOKOUT GRANDPARENTS SPORTS
CRUNCHY HARVEST WINDY



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Score Big With Kid-Friendly Tailgates

Football season is underway, and many Americans will start spending their Saturdays and Sundays tailgating in stadium parking lots. It doesn't matter if you're going to an NFL or college game; tailgating is a great way to spend time with your friends and family before the big game. While many tailgates consist of adult activities like drinking alcohol and blasting loud music, many prefer to make it a family affair.

If you plan to have kids at your tailgate, you need to ensure they have everything they need to have fun. Here are a few ways you can help your kids make the most of their day at the tailgate!

Bring kid-friendly snacks and drinks.

The average tailgate lasts a few hours, and most people enjoy at least one meal during that time frame. While most tailgate foods are simple appetizers and easy-to-make dishes,

ask your kids or any kids attending if they want anything specific. Fill one of your coolers with sliced fruit and juice boxes to ensure your kids have a healthy food option and child-friendly drinks.

Plan a few different activities.

Your kids will get bored if there's nothing to do at the tailgate besides listening to



pregame coverage and talking to others. Invest in cornhole boards or other games, and see if someone in your group is comfortable with face painting. It doesn't have to be extensive, but having a few kid-friendly activities prepared will keep boredom at bay.

Encourage your kids to show support for their team.

Whether you're a fan of the home or away team, you and your kids should wear the right colors to show your support. Let your kids pick out a shirt, jersey, hat, or other team-affiliated apparel to help them get involved.

Finally, don't forget about your child's need for a nap. Be sure to bring pillows and a blanket for them, and set up a comfortable spot for them to rest when needed. Doing so will allow everyone to enjoy the upcoming game to the fullest.