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Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

Representative(s) Gannon offered the following:

Substitute Amendment for Amendment (944817) (with title amendment)

Remove everything after the enacting clause and insert:

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

Section 2. The School Board of Indian River County is authorized and directed to compensate Sharon Dixon and Victor Dixon, Sr., for the wrongful death of their minor child, Victor Dixon, Jr., in the amount of \$1,224,393.90, which amount includes statutory attorney's fees and costs and which shall be paid in three installments with no interest due, with \$489,757.56 to be paid in 2002, \$367,318.17 to be paid in 2003, and \$367,318.17 to be paid in 2004, out of funds of the School Board of Indian River County not otherwise appropriated. Sharon Dixon shall receive 60 percent, \$734,636.34, and Victor Dixon, Sr., shall receive 40 percent, \$489,757.56, of the claim bill amount of \$1,224,393.90. Each

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1 year of the 3-year installment shall be paid on the basis of
2 Sharon Dixon receiving 60 percent and Victor Dixon, Sr.,
3 receiving 40 percent.

4 Section 3. This act shall take effect upon becoming a
5 law.

6
7
8 ===== T I T L E A M E N D M E N T =====

9 And the title is amended as follows:

10 remove: the entire title

11

12 and insert:

13 A bill to be entitled
14 An act relating to Indian River County;
15 providing for the relief of Sharon Dixon and
16 Victor Dixon, Sr.; authorizing and directing
17 the School Board of Indian River County to
18 compensate them for the wrongful death of their
19 minor child, Victor Dixon, Jr., due to the
20 negligence of an employee of the school board;
21 providing an effective date.

22

23 WHEREAS, on January 25, 1999, Victor Dixon, Jr., a
24 minor, was a passenger on a school bus owned by the School
25 Board of Indian River County, and

26 WHEREAS, the school bus was being operated by an
27 individual who was acting in the course and scope of her
28 employment as a bus driver for the School Board of Indian
29 River County, and

30 WHEREAS, at the intersection of 66th Avenue and 45th
31 Street in Vero Beach, Indian River County, Florida, the

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1 school-bus driver ran a stop sign and collided with a
2 tractor-trailer truck, causing the bus to overturn, and

3 WHEREAS, as a result of the collision, Victor Dixon,
4 Jr., sustained injuries that resulted in his death, and

5 WHEREAS, a court found the School Board of Indian River
6 County vicariously liable for the negligence on the part of
7 its employee, and

8 WHEREAS, during the trial relating to this matter, the
9 defendant, the School Board of Indian River County, admitted
10 that the negligence of its employee in running the stop sign
11 was the sole cause of the accident that caused the death of
12 Victor Dixon, Jr., and

13 WHEREAS, on July 20, 2000, a jury verdict was returned,
14 and, on September 14, 2000, a final judgment was entered, in
15 the amount of \$1,500,000 on behalf of Sharon Dixon and
16 \$1,000,000 on behalf of Victor Dixon, Sr., for the wrongful
17 death of their 8-year-old son and only child, Victor Dixon,
18 Jr., and

19 WHEREAS, on November 22, 2000, a writ of execution in
20 the amount of \$275,606.10 was levied against the Indian River
21 County School Board, and that amount has been paid by the
22 school board, and

23 WHEREAS, that payment represented the amount owed under
24 section 768.28, Florida Statutes, relating to waiver of
25 sovereign immunity, and

26 WHEREAS, on April 19, 2001, a settlement agreement was
27 reached between the Indian River County School Board and
28 Sharon Dixon and Victor Dixon, Sr., at an open and public
29 school board meeting in the amount of \$1,500,000, less
30 \$275,606.10 which has already been paid, and

31 WHEREAS, at this time, claimants are seeking a claim

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1 bill in the amount of \$1,224,393.90 to be paid over a 3-year
 2 period with no interest due, with 40 percent of the claim to
 3 be paid in 2002, 30 percent to be paid in 2003, and 30 percent
 4 to be paid in 2004, which represents the balance owed on the
 5 amount awarded in the final judgment, NOW, THEREFORE,

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