

hbd-27

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

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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4		.	

ORIGINAL STAMP BELOW

Representative(s) Rubio offered the following:

Amendment (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 year of the 3-year installment shall be paid on the basis of

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1 Sharon Dixon receiving 60 percent and Victor Dixon, Sr.,
2 receiving 40 percent.

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

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

8 And the title is amended as follows:

9 remove: the entire title

10

11 and insert:

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A bill to be entitled

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An act relating to Indian River County;

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providing for the relief of Sharon Dixon and

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Victor Dixon, Sr.; authorizing and directing

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the School Board of Indian River County to

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compensate them for the wrongful death of their

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minor child, Victor Dixon, Jr., due to the

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negligence of an employee of the school board;

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providing an effective date.

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WHEREAS, on January 25, 1999, Victor Dixon, Jr., a

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minor, was a passenger on a school bus owned by the School

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Board of Indian River County, and

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WHEREAS, the school bus was being operated by an

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individual who was acting in the course and scope of her

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employment as a bus driver for the School Board of Indian

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River County, and

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WHEREAS, at the intersection of 66th Avenue and 45th

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Street in Vero Beach, Indian River County, Florida, the

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school-bus driver ran a stop sign and collided with a

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1 tractor-trailer truck, causing the bus to overturn, and
2 WHEREAS, as a result of the collision, Victor Dixon,
3 Jr., sustained injuries that resulted in his death, and
4 WHEREAS, a court found the School Board of Indian River
5 County vicariously liable for the negligence on the part of
6 its employee, and
7 WHEREAS, during the trial relating to this matter, the
8 defendant, the School Board of Indian River County, admitted
9 that the negligence of its employee in running the stop sign
10 was the sole cause of the accident that caused the death of
11 Victor Dixon, Jr., and
12 WHEREAS, on July 20, 2000, a jury verdict was returned,
13 and, on September 14, 2000, a final judgment was entered, in
14 the amount of \$1,500,000 on behalf of Sharon Dixon and
15 \$1,000,000 on behalf of Victor Dixon, Sr., for the wrongful
16 death of their 8-year-old son and only child, Victor Dixon,
17 Jr., and
18 WHEREAS, on November 22, 2000, a writ of execution in
19 the amount of \$275,606.10 was levied against the Indian River
20 County School Board, and that amount has been paid by the
21 school board, and
22 WHEREAS, that payment represented the amount owed under
23 section 768.28, Florida Statutes, relating to waiver of
24 sovereign immunity, and
25 WHEREAS, on April 19, 2001, a settlement agreement was
26 reached between the Indian River County School Board and
27 Sharon Dixon and Victor Dixon, Sr., at an open and public
28 school board meeting in the amount of \$1,500,000, less
29 \$275,606.10 which has already been paid, and
30 WHEREAS, at this time, claimants are seeking a claim
31 bill in the amount of \$1,224,393.90 to be paid over a 3-year

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1 period with no interest due, with 40 percent of the claim to
2 be paid in 2002, 30 percent to be paid in 2003, and 30 percent
3 to be paid in 2004, which represents the balance owed on the
4 amount awarded in the final judgment, NOW, THEREFORE,
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