

By the Committee on Finance and Taxation; and Senator Pruitt

314-1819-02

1 A bill to be entitled

2 An act relating to Indian River County;

3 providing for the relief of Sharon Dixon and

4 Victor Dixon, Sr.; authorizing and directing

5 the School Board of Indian River County to

6 compensate them for the wrongful death of their

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

8 negligence of an employee of the school board;

9 providing an effective date.

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

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

13 Board of Indian River County, and

14 WHEREAS, the school bus was being operated by an

15 individual who was acting in the course and scope of her

16 employment as a bus driver for the School Board of Indian

17 River County, and

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

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

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

21 tractor-trailer truck, causing the bus to overturn, and

22 WHEREAS, as a result of the collision, Victor Dixon,

23 Jr., sustained injuries that resulted in his death, and

24 WHEREAS, a court found the School Board of Indian River

25 County vicariously liable for the negligence on the part of

26 its employee, and

27 WHEREAS, during the trial relating to this matter, the

28 defendant, the School Board of Indian River County, admitted

29 that the negligence of its employee in running the stop sign

30 was the sole cause of the accident that caused the death of

31 Victor Dixon, Jr., and

1 WHEREAS, on July 20, 2000, a jury verdict was returned,
2 and, on September 14, 2000, a final judgment was entered, in
3 the amount of \$1,500,000 on behalf of Sharon Dixon and
4 \$1,000,000 on behalf of Victor Dixon, Sr., for the wrongful
5 death of their 8-year-old son and only child, Victor Dixon,
6 Jr., and

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

11 WHEREAS, that payment represented the amount owed under
12 section 768.28, Florida Statutes, relating to waiver of
13 sovereign immunity, and

14 WHEREAS, on April 19, 2001, a settlement agreement was
15 reached between the Indian River County School Board and
16 Sharon Dixon and Victor Dixon, Sr., at an open and public
17 school board meeting in the amount of \$1,500,000, less
18 \$275,606.10 which has already been paid, and

19 WHEREAS, at this time, claimants are seeking a claim
20 bill in the amount of \$1,224,393.90 to be paid over a 3-year
21 period with no interest due, with 40 percent of the claim to
22 be paid in 2002, 30 percent to be paid in 2003, and 30 percent
23 to be paid in 2004, which represents the balance owed on the
24 amount awarded in the final judgment, NOW, THEREFORE,

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

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

30 Section 2. The School Board of Indian River County is
31 authorized and directed to compensate Sharon Dixon and Victor

1 Dixon, Sr., for the wrongful death of their minor child,
2 Victor Dixon, Jr., in the amount of \$1,224,393.90, which
3 amount includes statutory attorney's fees and costs and which
4 shall be paid in three installments with no interest due, with
5 \$489,757.56 to be paid in 2002, \$367,318.17 to be paid in
6 2003, and \$367,318.17 to be paid in 2004, out of funds of the
7 School Board of Indian River County not otherwise
8 appropriated. Sharon Dixon shall receive 60 percent,
9 \$734,636.34, and Victor Dixon, Sr., shall receive 40 percent,
10 \$489,757.56, of the claim bill amount of \$1,224,393.90. Each
11 year of the 3-year installment shall be paid on the basis of
12 Sharon Dixon receiving 60 percent and Victor Dixon, Sr.,
13 receiving 40 percent.

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

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17 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
18 COMMITTEE SUBSTITUTE FOR
19 SB 46

20 The CS made the following changes to SB 46:

21 The title is amended to reflect settlement of the claim bill
22 in the amount of \$1,224,393.90 to be paid over a 3-year period
23 with no interest due, with 40 percent of the claim bill to be
24 paid in 2002, 30 percent to be paid in 2003, and 30 percent to
25 be paid in 2004.

26 The claim bill amount is changed from \$2,224,393.90 to
27 \$1,224,393.90, which shall be paid in three installments with
28 no interest due, with \$489,757.56 to be paid in 2002,
29 \$367,318.17 to be paid in 2003, and \$367,318.17 to be paid in
30 2004.

31 Provides that Sharon Dixon shall receive 60 percent of the
claim bill, \$734,636.34, and Victor Dixon, Sr., shall receive
40 percent of the claim bill, \$489,757.56. Each year of the
3-year installment shall be paid on the basis that Sharon
Dixon receives 60 percent and Victor Dixon, Sr., receives 40
percent.