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1 A bill to be entitled

2 An act relating to Indian River County; providing for the
3 relief of Clay Haywood, a minor, and Tatiana Haywood, a
4 minor, by and through their mother and natural guardian,
5 Michelle O'Halloran; providing for an appropriation to
6 compensate them for injuries and damages caused by the
7 negligence of the Indian River County School Board;
8 providing for the use of such funds; providing an
9 effective date.

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11 WHEREAS, on January 25, 1999, Clay Haywood and Tatiana
12 Haywood were passengers in a school bus owned by the Indian
13 River County School Board and operated by an employee of the
14 school board when the school bus failed to stop for a stop sign
15 at the intersection of 45th Street and 66th Avenue in Vero Beach
16 and collided with a tractor-trailer truck, and

17 WHEREAS, as a result of the collision, 11-year-old Clay
18 Haywood sustained numerous severe traumatic injuries requiring
19 multiple surgeries and was unable to attend school or engage in
20 any normal daily activities for many months, and

21 WHEREAS, as a result of the injuries he suffered in the
22 collision, Clay Haywood has incurred medical expenses totaling
23 \$88,867.47 and will incur medical expenses in the future,
24 including \$3,300 in dental expenses, and

25 WHEREAS, as a result of the collision, 9-year-old Tatiana
26 Haywood sustained multiple facial lacerations, multiple
27 extremity lacerations, and multiple contusions about the body
28 which will require revision surgery when she has completed the
29 majority of her growth, and

30 WHEREAS, as a result of the injuries she suffered in the



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31 collision, Tatiana Haywood has been left with permanent
32 scarring, has incurred medical expenses totaling \$3,225.75, and
33 will incur medical expenses in the future, and

34 WHEREAS, the Indian River County School Board admitted
35 liability for the collision and has agreed to a court-ordered
36 mediation settlement of all claims of Clay Haywood and Tatiana
37 Haywood in the amount of \$225,000, payable by the school board
38 in three annual installments of \$75,000, NOW, THEREFORE,

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

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

44 Section 2. The Indian River County School Board is
45 authorized and directed to appropriate from funds of the school
46 board not otherwise appropriated and to draw three annual
47 warrants in the amount of \$75,000 each, for a total settlement
48 of \$225,000, payable after July 1, 2003, to Michelle O'Halloran,
49 as plenary guardian of Clay Haywood, a minor, and Tatiana
50 Haywood, a minor, as compensation for injuries and damages
51 sustained due to the negligence of Indian River County. The
52 three annual installments shall be paid as follows:

53 (1) Twenty-five thousand dollars of the first installment
54 for the benefit of Tatiana Haywood, minor child of Michelle
55 O'Halloran, plenary guardian of Tatiana Haywood, to be placed in
56 a restricted guardianship account for the exclusive use and
57 benefit of Tatiana Haywood; and

58 (2) The remaining balance of the first installment and the
59 last two installments for the benefit of Clay Haywood, minor
60 child of Michelle O'Halloran, plenary guardian of Clay Haywood,



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61 to be placed in a restricted guardianship account for the
62 exclusive use and benefit of Clay Haywood.

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64 The amount appropriated pursuant to this section is inclusive of
65 costs and attorney's fees as limited by s. 768.28(8), Florida
66 Statutes.

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