



CHAMBER ACTION

The Committee on Judiciary recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

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

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

WHEREAS, as a result of the collision, 11-year-old Clay Haywood sustained numerous severe traumatic injuries requiring



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29 multiple surgeries and was unable to attend school or engage in
30 any normal daily activities for many months, and

31 WHEREAS, as a result of the injuries he suffered in the
32 collision, Clay Haywood has incurred medical expenses totaling
33 \$88,867.47 and will incur medical expenses in the future,
34 including \$3,300 in dental expenses, and

35 WHEREAS, as a result of the collision, 9-year-old Tatiana
36 Haywood sustained multiple facial lacerations, multiple
37 extremity lacerations, and multiple contusions about the body
38 which will require revision surgery when she has completed the
39 majority of her growth, and

40 WHEREAS, as a result of the injuries she suffered in the
41 collision, Tatiana Haywood has been left with permanent
42 scarring, has incurred medical expenses totaling \$3,225.75, and
43 will incur medical expenses in the future, and

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

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

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

54 Section 2. The Indian River County School Board is
55 authorized and directed to appropriate from funds of the school
56 board not otherwise appropriated and to draw three annual



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57 warrants in the amount of \$75,000 each, for a total settlement
58 of \$225,000, payable after July 1, 2003, to Michelle O'Halloran,
59 as plenary guardian of Clay Haywood, a minor, and Tatiana
60 Haywood, a minor, as compensation for injuries and damages
61 sustained due to the negligence of Indian River County. The
62 three annual installments shall be paid as follows:

63 (1) Twenty-five thousand dollars of the first installment
64 for the benefit of Tatiana Haywood, minor child of Michelle
65 O'Halloran, plenary guardian of Tatiana Haywood, to be placed in
66 a restricted guardianship account for the exclusive use and
67 benefit of Tatiana Haywood; and

68 (2) The remaining \$50,000 of the first installment and the
69 entirety of the last two installments for the benefit of Clay
70 Haywood, minor child of Michelle O'Halloran, plenary guardian of
71 Clay Haywood, to be placed in a restricted guardianship account
72 for the exclusive use and benefit of Clay Haywood.

73
74 The amount appropriated pursuant to this section is inclusive of
75 costs and attorney's fees as limited by s. 768.28(8), Florida
76 Statutes.

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