

By the Committee on Education; and Senator Pruitt

304-1145-03

1 A bill to be entitled
2 An act relating to Indian River County;
3 providing for the relief of Debra Smith, Pamela
4 Hughes, Michael Truitt, and Charles Hughes;
5 authorizing and directing the Indian River
6 County School Board to compensate them for the
7 death of their father, Sammie Lee Hughes, due
8 to the negligence of the school board;
9 providing an effective date.

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11 WHEREAS, on Monday, January 25, 1999, at approximately
12 3:30 p.m., a school bus driver employed by the Indian River
13 County School District ran a stop sign at the intersection of
14 45th Street and 66th Avenue and collided with a truck driven
15 by Sammie Lee Hughes, and

16 WHEREAS, the impact sent the truck careening into a
17 drainage ditch, killing Mr. Hughes, and

18 WHEREAS, as a result of this accident, several injured
19 parties filed legal actions, and

20 WHEREAS, Debra Smith and Pamela Hughes, as co-personal
21 representatives of the estate of Sammie Lee Hughes, filed suit
22 in the Circuit Court of the 19th Judicial Circuit in and for
23 Indian River County, Florida (Case Number 99-0656-CA-10), and

24 WHEREAS, in a final judgment dated February 20, 2002,
25 the court awarded the sum of \$75,000 to Debra Smith, \$75,000
26 to Pamela Hughes, \$75,000 to Michael Truitt, and \$100,000 to
27 Charles Hughes, plus costs in the amount of \$530.72, for a
28 total sum of \$325,530.72, and

29 WHEREAS, in October 2002 Mr. Hughes' children and the
30 Indian River County School Board reached a settlement
31 agreement in the amount of \$300,000, and

1 WHEREAS, the maximum amount that may be awarded under
2 section 768.28, Florida Statutes, has already been paid to
3 other plaintiffs for injuries suffered as a result of this
4 incident, and

5 WHEREAS, recovery of the amounts set forth in this act
6 may be obtained only through the Florida Legislature's passage
7 of a claim bill awarding such sums, NOW, THEREFORE,

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

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

13 Section 2. (1) The Indian River County School Board
14 is authorized and directed to compensate Debra Smith, Pamela
15 Hughes, Michael Truitt, and Charles Hughes for the wrongful
16 death of their father, Sammie Lee Hughes, in the total amount
17 of \$300,000, which amount includes statutory attorney's fees
18 and costs and which amount shall be paid in three
19 installments, in accordance with the release and settlement of
20 the claim, with \$150,000 to be paid in July 2003, \$75,000 to
21 be paid in July 2004, and \$75,000 to be paid in July 2005, out
22 of general funds of the School District of Indian River County
23 not otherwise appropriated. Each installment shall be paid by
24 drawing separate warrants payable to Debra Smith, Pamela
25 Hughes, Michael Truitt, and Charles Hughes, respectively, on
26 the basis of Debra Smith receiving 23 percent, Pamela Hughes
27 receiving 23 percent, Michael Truitt receiving 23 percent, and
28 Charles Hughes receiving 31 percent of each installment.

29 (2) Amounts paid for attorney's fees and costs, as
30 limited in accordance with section 768.28, Florida Statutes,
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1 shall be payable from the first installment in a pro rata
2 share from each of the claimants.

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

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6 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
7 COMMITTEE SUBSTITUTE FOR
8 Senate Bill 18

9 The CS made the following changes to SB 18:

10 The title is amended to reflect settlement of the claim bill
11 in the amount of \$300,000.

12 The claim bill amount is amended from \$325,530.72 to \$300,000,
13 which shall be paid in three installments, with \$150,000 to be
14 paid in July 2003, \$75,000 to be paid in July 2004, and
15 \$75,000 to be paid in July 2005.

16 Each installment shall be paid by drawing separate warrants
17 payable to Debra Smith, who will receive 23 percent, Pamela
18 Hughes, who will receive 23 percent, Michael Truitt, who will
19 receive 23 percent, and Charles Hughes, who will receive 31
20 percent, of each installment.

21 Attorney's fees and costs shall be limited in accordance with
22 section 768.28, Florida Statutes, and shall be payable from
23 the first installment in a pro rata share from each of the
24 claimants.
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