

By the Committee on Finance and Taxation; and Senator Hill

314-2526-03

1 A bill to be entitled
2 An act relating to the Indian River County
3 School Board; providing for the relief of Tylor
4 Griffeth, a minor, by and through Mark Griffeth
5 and Teresa Griffeth, his parents and natural
6 guardians; directing the school board to
7 compensate Tylor Griffeth for personal injuries
8 caused by the negligence of the school board;
9 specifying uses of the funds; providing for
10 attorney's fees and costs; providing an
11 effective date.
12
13 WHEREAS, on January 25, 1999, 6-year-old Tylor Griffeth
14 was riding home from his elementary school in a school bus
15 owned by the Indian River County School Board and operated by
16 a driver employed by the Indian River County School Board, and
17 WHEREAS, the school bus driver failed to stop at a stop
18 sign and struck a tractor-trailer, resulting in the death of
19 the tractor-trailer driver and one student in the school bus,
20 and in injury to Tylor and other children who were aboard the
21 bus, and
22 WHEREAS, Tylor was treated at the scene, was later
23 taken by ambulance to Sebastian River Medical Center, and
24 subsequently was transferred to the trauma center at Holmes
25 Regional Medical Center in Melbourne, Florida, and
26 WHEREAS, his admission diagnosis was a closed-head
27 injury with diplopia (double vision), as well as back and
28 forehead abrasions, and his discharge diagnosis was a possible
29 concussion, and
30 WHEREAS, Tylor's general physician provided followup
31 care and later referred Tylor to physical therapy to reduce

1 his cervical pain and headaches and to the Bascom Palmer Eye
2 Institute for ongoing visual problems, and

3 WHEREAS, Dr. Brad Simmons of the eye institute
4 diagnosed a sixth-nerve palsy in Tylor's left eye secondary to
5 trauma, and a subsequent examination again demonstrated an
6 abduction deficit in the left eye, and

7 WHEREAS, Tylor underwent a second evaluation, performed
8 by Dr. Paul Carney of the Neurology Department at Shands
9 Teaching Hospital, because of his history of a concussion with
10 continuing visual problems and his complaints that objects
11 appeared smaller in the left eye and that he was experiencing
12 problems focusing and having occasional headaches, and

13 WHEREAS, Dr. Carney diagnosed a post-concussive
14 syndrome for which he recommended monitoring in the future,
15 and

16 WHEREAS, as a result of Tylor's injuries, his parents
17 incurred \$14,813.71 in medical bills, and Mrs. Griffeth lost a
18 considerable amount of time from her employment to care for
19 her son and take him to doctors' appointments, and

20 WHEREAS, more than 3 years after the accident, Tylor is
21 still experiencing symptoms from his injuries which are
22 indicative of the permanent nature of his condition, and

23 WHEREAS, the Indian River County School Board was
24 placed on the appropriate statutory notice, and a lawsuit was
25 filed on April 16, 2001, and

26 WHEREAS, the school board has already paid the
27 statutory limit under section 768.28, Florida Statutes, for
28 claims or judgments arising out of the same incident or
29 occurrence, and

30 WHEREAS, the attorneys for the parties performed
31 appropriate discovery, which resulted in an agreement whereby

1 the Indian River County School Board agreed to pay Mark
2 Griffeth and Teresa Griffeth, as parents and natural guardians
3 of Tylor Griffeth, \$40,000 subject to a successful claim bill,
4 NOW, THEREFORE,

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

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

10 Section 2. The Indian River County School Board is
11 authorized and directed to appropriate from funds of the
12 school board that are not otherwise appropriated and to draw a
13 warrant in the amount of \$40,000, payable after July 1, 2003,
14 to Teresa and Mark Griffeth, as parents and natural guardians
15 of Tylor Griffeth, a minor, for the injuries and damages he
16 sustained due to the negligence of Indian River County. Such
17 funds are to be deposited into a guardianship account for the
18 exclusive use and benefit of Tylor Griffeth. The amount
19 payable pursuant to this section is inclusive of costs and
20 attorney's fees as limited by section 768.28(8), Florida
21 Statutes.

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

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25 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
26 COMMITTEE SUBSTITUTE FOR
27 Senate Bill 180

28 This committee substitute incorporates the amendment adopted
29 by the Education Committee, and conforms to HB 305.

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