



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 Miami-Dade County; providing for the relief of Jonathan Snell, a minor, and Erika Snell, a minor, by and through their mother and natural guardian, Latisha Snell; providing for an appropriation to compensate them for injuries and damages sustained as a result of the negligence of Miami-Dade County; providing for the use of such funds; providing for payment of costs, attorneys' fees, and outstanding medical bills; providing for repayment of Medicaid liens; providing an effective date.

WHEREAS, on May 26, 1998, 20-month-old Jonathan Snell and his sister, Erika Snell, age 3, were both run over by a Miami-Dade County bus, causing severe injuries to their lower extremities, and

WHEREAS, while the children were positioned on a grassy median off the roadway, the bus, upon making a right-hand turn



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29 | too sharply, jumped the curb with its rear wheels and ran over
30 | the children, and

31 | WHEREAS, the incident, which occurred at the intersection
32 | of Northwest 14th Avenue and 183rd Street in Miami-Dade County,
33 | Florida, was witnessed by several independent persons and
34 | responsibility for the negligence of the bus operator was not
35 | contested, and

36 | WHEREAS, multiple surgical procedures were performed on
37 | both children at Jackson Memorial Hospital by a skilled
38 | orthopedic surgeon, Steven Stricker, M.D., and each child has
39 | been left with permanent impairment and scarring, and

40 | WHEREAS, a lawsuit for damages was brought against Miami-
41 | Dade County by and through the children's mother and guardian,
42 | Latisha Snell, and after extensive discovery just prior to
43 | trial, the case was settled during a second mediation in
44 | exchange for Miami-Dade County's support of a claim bill, and

45 | WHEREAS, Miami-Dade County agreed to the entry of a final
46 | judgment for Jonathan Snell in the amount of \$400,000 and for
47 | Erika Snell in the amount of \$137,000, and the county has
48 | partially satisfied the final judgment by paying \$100,000 for
49 | the benefit of each child in accordance with the limits
50 | established under s. 768.28, Florida Statutes, NOW, THEREFORE,

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52 | Be It Enacted by the Legislature of the State of Florida:

53 |

54 | Section 1. The facts stated in the preamble to this act
55 | are found and declared to be true.



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56 Section 2. The Miami-Dade County Commission is authorized
57 and directed to appropriate from funds of the county not
58 otherwise appropriated and to draw a warrant in the sum of
59 \$300,000 payable to Latisha Snell, as guardian of Jonathan
60 Snell, as compensation for injuries and damages sustained by
61 Jonathan Snell, minor child of Latisha Snell, due to the
62 negligence of Miami-Dade County.

63 Section 3. The Miami-Dade County Commission is authorized
64 and directed to appropriate from funds of the county not
65 otherwise appropriated and to draw a warrant in the sum of
66 \$37,000 payable to Latisha Snell, as guardian of Erika Snell, as
67 compensation for injuries and damages sustained by Erika Snell,
68 minor child of Latisha Snell, due to the negligence of Miami-
69 Dade County.

70 Section 4. The governmental entity responsible for payment
71 of the warrant shall pay to the Florida Agency for Health Care
72 Administration the amount due under section 409.910, Florida
73 Statutes, prior to disbursing any funds to the claimant. The
74 amount due the agency shall be equal to all unreimbursed medical
75 payments paid by Medicaid up to the date upon which this bill
76 becomes a law.

77 Section 5. After payment of attorneys' fees, costs, liens,
78 and medical bills, the balance of the moneys appropriated shall
79 be used to purchase an annuity for each child. Each child shall
80 be eligible to receive periodic payments from his or her annuity
81 upon reaching the age of majority.

82 Section 6. This act shall take effect upon becoming a law.