



HB 0305

2003

1 A bill to be entitled
 2 An act relating to the Indian River County School Board;
 3 providing for the relief of Tylor Griffeth, a minor, by
 4 and through Mark Griffeth and Teresa Griffeth, his parents
 5 and natural guardians; directing the school board to
 6 compensate Tylor Griffeth for personal injuries caused by
 7 the negligence of the school board; specifying uses of the
 8 funds; providing for attorney's fees and costs; providing
 9 an effective date

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 11 WHEREAS, on January 25, 1999, 6-year-old Tylor Griffeth was
 12 riding home from his elementary school in a school bus owned by
 13 the Indian River County School Board and operated by a driver
 14 employed by the Indian River County School Board, and

15 WHEREAS, the school bus driver failed to stop at a stop
 16 sign and struck a tractor-trailer, resulting in the death of the
 17 tractor-trailer driver and one student in the school bus, and in
 18 injury to Tylor and other children who were aboard the bus, and

19 WHEREAS, Tylor was treated at the scene, was later taken by
 20 ambulance to Sebastian River Medical Center, and subsequently
 21 was transferred to the trauma center at Holmes Regional Medical
 22 Center in Melbourne, Florida, and

23 WHEREAS, his admission diagnosis was a closed-head injury
 24 with diplopia (double vision), as well as back and forehead
 25 abrasions, and his discharge diagnosis was a possible
 26 concussion, and

27 WHEREAS, Tylor's general physician provided followup care
 28 and later referred Tylor to physical therapy to reduce his
 29 cervical pain and headaches and to the Bascom Palmer Eye
 30 Institute for ongoing visual problems, and



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

35 WHEREAS, Tylor underwent a second evaluation, performed by
36 Dr. Paul Carney of the Neurology Department at Shands Teaching
37 Hospital, because of his history of a concussion with continuing
38 visual problems and his complaints that objects appeared smaller
39 in the left eye and that he was experiencing problems focusing
40 and having occasional headaches, and

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

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

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

50 WHEREAS, the Indian River County School Board was placed on
51 the appropriate statutory notice, and a lawsuit was filed on
52 April 16, 2001, and

53 WHEREAS, the school board has already paid the statutory
54 limit under section 768.28, Florida Statutes, for claims or
55 judgments arising out of the same incident or occurrence, and

56 WHEREAS, the attorneys for the parties performed
57 appropriate discovery, which resulted in an agreement whereby
58 the Indian River County School Board agreed to pay Mark Griffeth
59 and Teresa Griffeth, as parents and natural guardians of Tylor



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60 Griffeth, \$40,000 subject to a successful claim bill, NOW,
 61 THEREFORE,

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

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

67 Section 2. The Indian River County School Board is
 68 authorized and directed to appropriate from funds of the school
 69 board not otherwise appropriated and to draw a warrant in the
 70 sum of \$40,000 payable to Mark Griffeth and Teresa Griffeth, as
 71 parents and natural guardians of Tylor Griffeth, a minor, as
 72 compensation for injuries and damages sustained as a result of
 73 the negligence of the school board. After payment of statutory
 74 attorney's fees and costs, the balance shall be paid into a
 75 Special Needs Trust Fund established for Tylor Griffeth.

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