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CHAMBER ACTION

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The Committee on Judiciary recommends the following:

**Committee Substitute**

Remove the entire bill and insert:

A bill to be entitled

An act relating to the Indian River County School Board; providing for the relief of Tylor Griffeth, a minor, by and through Mark Griffeth and Teresa Griffeth, his parents and natural guardians; providing for an appropriation to compensate Tylor Griffeth for injuries caused by the negligence of the school board; specifying uses of the funds; providing for attorney's fees and costs; providing an effective date

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

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



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29 WHEREAS, Tylor was treated at the scene, was later taken by  
30 ambulance to Sebastian River Medical Center, and subsequently  
31 was transferred to the trauma center at Holmes Regional Medical  
32 Center in Melbourne, Florida, and

33 WHEREAS, his admission diagnosis was a closed-head injury  
34 with diplopia (double vision), as well as back and forehead  
35 abrasions, and his discharge diagnosis was a possible  
36 concussion, and

37 WHEREAS, Tylor's general physician provided followup care  
38 and later referred Tylor to physical therapy to reduce his  
39 cervical pain and headaches and to the Bascom Palmer Eye  
40 Institute for ongoing visual problems, and

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

45 WHEREAS, Tylor underwent a second evaluation, performed by  
46 Dr. Paul Carney of the Neurology Department at Shands Teaching  
47 Hospital, because of his history of a concussion with continuing  
48 visual problems and his complaints that objects appeared smaller  
49 in the left eye and that he was experiencing problems focusing  
50 and having occasional headaches, and

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

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



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

60 WHEREAS, the Indian River County School Board was placed on  
61 the appropriate statutory notice, and a lawsuit was filed on  
62 April 16, 2001, and

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

66 WHEREAS, the attorneys for the parties performed  
67 appropriate discovery, which resulted in an agreement whereby  
68 the Indian River County School Board agreed to pay Mark Griffeth  
69 and Teresa Griffeth, as parents and natural guardians of Tylor  
70 Griffeth, \$40,000 subject to a successful claim bill, NOW,  
71 THEREFORE,

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

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

77 Section 2. The Indian River County School Board is  
78 authorized and directed to appropriate from funds of the school  
79 board not otherwise appropriated and to draw a warrant in the  
80 sum of \$40,000, payable after July 1, 2003, to Mark Griffeth and  
81 Teresa Griffeth, as parents and natural guardians of Tylor  
82 Griffeth, a minor, as compensation for injuries and damages  
83 sustained as a result of the negligence of the school board.  
84 Such funds are to be deposited into a guardianship account for



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85 | the exclusive use and benefit of Tylor Griffeth. The amount  
86 | payable pursuant to this section is inclusive of costs and  
87 | attorney's fees as limited by s. 768.28(8), Florida Statutes.

88 | Section 2. This act shall take effect upon becoming a law.