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HB 0305, Engrossed 1

2003 Legislature

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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