

Bill No. SB 36

Amendment No. 1 Barcode 461470

CHAMBER ACTION

Senate

House

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The Committee on Comprehensive Planning recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

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

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

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1 Erika Snell, minor child of Latisha Snell, due to the
2 negligence of Miami-Dade County.

3 Section 4. The governmental entity responsible for
4 payment of the warrant shall pay to the Florida Agency for
5 Health Care Administration the amount due under section
6 409.910, Florida Statutes, prior to disbursing any funds to
7 the claimant. The amount due the agency shall be equal to all
8 unreimbursed medical payments paid by Medicaid up to the date
9 upon which this bill becomes a law.

10 Section 5. After payment of attorneys' fees, costs,
11 and medical bills, the balance of the moneys appropriated
12 shall be used to purchase an annuity for each child. Each
13 child shall be eligible to receive periodic payments from his
14 or her annuity upon reaching the age of majority.

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

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19 ===== T I T L E A M E N D M E N T =====

20 And the title is amended as follows:

21 Delete everything before the enacting clause

22

23 and insert:

24 A bill to be entitled
25 An act relating to Miami-Dade County; providing
26 for the relief of Jonathan Snell, a minor, and
27 Erika Snell, a minor, by and through their
28 mother and natural guardian, Latisha Snell;
29 providing for an appropriation to compensate
30 them for injuries and damages sustained as a
31 result of the negligence of Miami-Dade County;

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1 providing for the use of such funds; providing
 2 for payment of costs, attorneys' fees, and
 3 outstanding medical bills; providing an
 4 effective date.

5
 6 WHEREAS, on May 26, 1998, 20-month-old Jonathan Snell
 7 and his sister, Erika Snell, age 3, were both run over by a
 8 Miami-Dade County bus, causing severe injuries to their lower
 9 extremities, and

10 WHEREAS, while the children were positioned on a grassy
 11 median off the roadway, the bus, upon making a right-hand turn
 12 too sharply, jumped the curb with its rear wheels and ran over
 13 the children, and

14 WHEREAS, the incident, which occurred at the
 15 intersection of Northwest 14th Avenue and 183rd Street in
 16 Miami-Dade County, Florida, was witnessed by several
 17 independent persons and responsibility for the negligence of
 18 the bus operator was not contested, and

19 WHEREAS, multiple surgical procedures were performed on
 20 both children at Jackson Memorial Hospital by a skilled
 21 orthopedic surgeon, Steven Stricker, M.D., and each child has
 22 been left with permanent impairment and scarring, and

23 WHEREAS, a lawsuit for damages was brought against
 24 Miami-Dade County by and through the children's mother and
 25 guardian, Latisha Snell, and after extensive discovery just
 26 prior to trial, the case was settled during a second mediation
 27 in exchange for Miami-Dade County's support of a claim bill,
 28 and

29 WHEREAS, Miami-Dade County agreed to the entry of a
 30 final judgment for Jonathan Snell in the amount of \$400,000
 31 and for Erika Snell in the amount of \$137,000, and the county

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1 | has partially satisfied the final judgment by paying \$100,000
2 | for the benefit of each child in accordance with the limits
3 | established under s. 768.28, Florida Statutes, NOW, THEREFORE,
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