



HB 0375

2003

1 A bill to be entitled
 2 An act relating to Indian River County; providing for the
 3 relief of Debra Smith, Pamela Hughes, Michael Truitt, and
 4 Charles Hughes; authorizing and directing the Indian River
 5 County School Board to compensate them for the death of
 6 their father, Sammie Lee Hughes, due to the negligence of
 7 the school board; providing for payment of attorney's fees
 8 and costs; providing an effective date.

9
 10 WHEREAS, on Monday, January 25, 1999, at approximately 3:30
 11 p.m., a school bus driver employed by the Indian River County
 12 School District ran a stop sign at the intersection of 45th
 13 Street and 66th Avenue and collided with a truck driven by
 14 Sammie Lee Hughes, and

15 WHEREAS, the impact sent the truck careening into a
 16 drainage ditch, killing Mr. Hughes, and

17 WHEREAS, as a result of this accident, several injured
 18 parties filed legal actions, and

19 WHEREAS, Debra Smith and Pamela Hughes, as co-personal
 20 representatives of the estate of Sammie Lee Hughes, filed suit
 21 in the Circuit Court of the 19th Judicial Circuit in and for
 22 Indian River County, Florida (Case Number 99-0656-CA-10), and

23 WHEREAS, in a final judgment dated February 20, 2002, the
 24 court awarded the sum of \$75,000 to Debra Smith, \$75,000 to
 25 Pamela Hughes, \$75,000 to Michael Truitt, and \$100,000 to
 26 Charles Hughes, plus costs in the amount of \$530.72, for a total
 27 sum of \$325,530.72, and

28 WHEREAS, in October 2002, Mr. Hughes' children and the
 29 Indian River County School Board reached a settlement agreement
 30 in the amount of \$300,000, and



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31 WHEREAS, the maximum amount that may be awarded under
 32 section 768.28, Florida Statutes, has already been paid to other
 33 plaintiffs for injuries suffered as a result of this incident,
 34 and

35 WHEREAS, recovery of amounts set forth in this act may be
 36 obtained only through the Legislature's passage of a claim bill
 37 awarding such sums, NOW, THEREFORE,

38
 39 Be It Enacted by the Legislature of the State of Florida:

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

43 Section 2. (1) The Indian River County School Board is
 44 authorized and directed to compensate Debra Smith, Pamela
 45 Hughes, Michael Truitt, and Charles Hughes for the wrongful
 46 death of their father, Sammie Lee Hughes, in the total amount of
 47 \$300,000, which amount includes statutory attorney's fees and
 48 costs and shall be paid in three installments in accordance with
 49 the release and settlement of the claim, with \$150,000 to be
 50 paid in 2003, \$75,000 to be paid in 2004, and \$75,000 to be paid
 51 in 2005, out of general funds of the School District of Indian
 52 River County not otherwise appropriated. Each installment shall
 53 be paid by drawing separate warrants payable to Debra Smith,
 54 Pamela Hughes, Michael Truitt, and Charles Hughes, respectively,
 55 on the basis of Debra Smith receiving 23 percent, Pamela Hughes
 56 receiving 23 percent, Michael Truitt receiving 23 percent, and
 57 Charles Hughes receiving 31 percent of each installment.

58 (2) Amounts paid for attorney's fees and costs, as limited
 59 in accordance with s. 768.28, Florida Statutes, shall be payable
 60 from the first payment in a pro rata share of each of the



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61 claimants.

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