



CHAMBER ACTION

The Committee on Judiciary recommends the following:

**Committee Substitute**

Remove the entire bill and insert:

A bill to be entitled

An act relating to Indian River County; providing for the relief of Debra Smith, Pamela Hughes, Michael Truitt, and Charles Hughes; authorizing and directing the Indian River County School Board to compensate them for the death of their father, Sammie Lee Hughes, due to the negligence of the school board; providing for payment of attorney's fees and costs; providing an effective date.

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

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

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



HB 0375

2003  
CS

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

32 WHEREAS, in a final judgment dated February 20, 2002, the  
33 court awarded the sum of \$75,000 to Debra Smith, \$75,000 to  
34 Pamela Hughes, \$75,000 to Michael Truitt, and \$100,000 to  
35 Charles Hughes, plus costs in the amount of \$530.72, for a total  
36 sum of \$325,530.72, and

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

40 WHEREAS, the maximum amount that may be awarded under  
41 section 768.28, Florida Statutes, has already been paid to other  
42 plaintiffs for injuries suffered as a result of this incident,  
43 and

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

47  
48 Be It Enacted by the Legislature of the State of Florida:

49  
50 Section 1. The facts stated in the preamble to this act  
51 are found and declared to be true.

52 Section 2. (1) The Indian River County School Board is  
53 authorized and directed to compensate Debra Smith, Pamela  
54 Hughes, Michael Truitt, and Charles Hughes for the wrongful  
55 death of their father, Sammie Lee Hughes, in the total amount of



HB 0375

2003  
CS

56 \$300,000, which amount includes statutory attorney's fees and  
57 costs and shall be paid in three installments in accordance with  
58 the release and settlement of the claim, with \$150,000 to be  
59 paid in July 2003, \$75,000 to be paid in July 2004, and \$75,000  
60 to be paid in July 2005, out of general funds of the School  
61 District of Indian River County not otherwise appropriated.  
62 Each installment shall be paid by drawing separate warrants  
63 payable to Debra Smith, Pamela Hughes, Michael Truitt, and  
64 Charles Hughes, respectively, on the basis of Debra Smith  
65 receiving 23 percent, Pamela Hughes receiving 23 percent,  
66 Michael Truitt receiving 23 percent, and Charles Hughes  
67 receiving 31 percent of each installment.

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

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