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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 Amanda Johnson, a minor, by and through Virginia Johnson and Charles Johnson, her parents and natural guardians; providing for an appropriation to compensate her for injuries sustained due to the negligence of the Indian River County School Board; providing for the use of such funds; providing an effective date.

WHEREAS, on January 25, 1999, 7-year-old Amanda Johnson was a passenger on a school bus owned by the Indian River County School Board and operated by its employee, Deborah Colletti, and

WHEREAS, Deborah Colletti failed to stop at a stop sign located at the intersection of 45th Street and 66th Avenue in Indian River County, which failure caused the bus to collide with a tractor-trailer traveling on 66th Avenue, resulting in



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28 | injuries to Amanda Johnson and 15 other children and the deaths  
29 | of two other persons, and

30 |       WHEREAS, Deborah Colletti was cited with failure to obey a  
31 | traffic-control device and failure to yield the right-of-way,  
32 | and

33 |       WHEREAS, Amanda Johnson sustained a comminuted fracture of  
34 | the left femoral shaft with significant displacement and  
35 | underwent closed reduction and external fixation of the left  
36 | femoral shaft to correct the injury, and

37 |       WHEREAS, Amanda Johnson was hospitalized for 11 days, was  
38 | transferred to a rehabilitation center where she remained as an  
39 | inpatient for an additional 7 days, and was discharged and  
40 | received home health services for 240 days, and

41 |       WHEREAS, on May 25, 1999, Amanda Johnson was again  
42 | hospitalized and, after a pre-operative diagnosis of  
43 | hypertrophic nonunion of the left femoral shaft, she  
44 | subsequently underwent a second surgery, receiving open-  
45 | compression plating of the left femoral hypertrophic nonunion,  
46 | with bone biopsy and culture, and

47 |       WHEREAS, Amanda Johnson, as a result of the injury, has a  
48 | left femoral overgrowth, resulting in a limb-length discrepancy  
49 | that had increased to 2.2 centimeters by February 5, 2002, and

50 |       WHEREAS, Amanda Johnson currently must use a 1/2-inch shoe  
51 | lift and may require future epiphysiodesis of the elongated left  
52 | femur, and

53 |       WHEREAS, Amanda Johnson is receiving continuing medical  
54 | care following the injury, and



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55 WHEREAS, Amanda Johnson has incurred medical expenses  
56 totaling \$85,762.53, will require future orthopedic visits, and  
57 may require future surgery, hospitalization, and physical  
58 therapy, and

59 WHEREAS, as a result of a suit filed following the  
60 collision, the Indian River County School Board admitted  
61 liability for the collision, and, following mediation on  
62 February 27, 2002, the parties agreed to a final settlement of  
63 all claims in exchange for the payment of \$287,500 to be paid in  
64 four annual installments, and

65 WHEREAS, as part of the settlement, the Indian River County  
66 School Board agreed that, following the submission and approval  
67 of the settlement at a noticed school board meeting, the board  
68 will not oppose Amanda Johnson in the submission of a claim bill  
69 to the Legislature, NOW, THEREFORE,

70

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

72

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

75 Section 2. The Indian River County School Board is  
76 authorized and directed to appropriate from funds of the school  
77 board not otherwise appropriated and to draw four annual  
78 warrants in the amount of \$71,875 each, for a total settlement  
79 of \$287,500, payable after July 1, 2003, to Virginia Johnson and  
80 Charles Johnson, as parents and natural guardians of Amanda  
81 Johnson, as compensation for injuries and damages sustained by  
82 Amanda Johnson, minor child of Virginia Johnson and Charles



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83 | Johnson, due to the negligence of the Indian River County School  
84 | Board. Such funds are to be deposited into a restricted  
85 | guardianship account established for the exclusive use and  
86 | benefit of Amanda Johnson, and are inclusive of costs and  
87 | attorney's fees as limited by s. 768.28(8), Florida Statutes.

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