

By Senator Pruitt

26-25A-03

1 A bill to be entitled
2 An act relating to the Indian River County
3 School Board; providing for the relief of
4 Amanda Johnson, a minor, and her parents and
5 natural guardians, for injuries sustained due
6 to the negligence of the Indian River County
7 School Board; providing for the use of such
8 funds; providing an effective date.

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

14 WHEREAS, Deborah Colletti failed to stop at a stop sign
15 located at the intersection of 45th Street and 66th Avenue in
16 Indian River County, which failure caused the bus to collide
17 with a tractor-trailer traveling on 66th Avenue, resulting in
18 injuries to Amanda Johnson and 15 other children and the
19 deaths of two other persons, and

20 WHEREAS, Deborah Colletti was cited with failure to
21 obey a traffic-control device and failure to yield the
22 right-of-way, and

23 WHEREAS, Amanda Johnson sustained a comminuted fracture
24 of the left femoral shaft with significant displacement and
25 underwent closed reduction and external fixation of the left
26 femoral shaft to correct the injury, and

27 WHEREAS, Amanda Johnson was hospitalized for 11 days,
28 was transferred to a rehabilitation center, where she remained
29 as an in-patient for an additional 7 days, and was discharged
30 and received home-health services for 240 days, and

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1 WHEREAS, on May 25, 1999, Amanda Johnson was again
2 hospitalized and after a pre-operative diagnosis of
3 hypertrophic nonunion of the left femoral shaft, she
4 subsequently underwent a second surgery, receiving
5 open-compression plating of the left femoral hypertrophic
6 nonunion, with bone biopsy and culture,, and

7 WHEREAS, Amanda Johnson, as a result of the injury, has
8 a left femoral overgrowth, resulting in a limb-length
9 discrepancy that had increased to 2.2 centimeters by February
10 5, 2002, and

11 WHEREAS, Amanda Johnson currently must use a 1/2-inch
12 shoe lift and may require future epiphysiodesis of the
13 elongated left femur, and

14 WHEREAS, Amanda Johnson is receiving continuing medical
15 care following the injury, and

16 WHEREAS, Amanda Johnson has incurred medical expenses
17 totaling \$85,762.53, will require future orthopedic visits,
18 and may require future surgery, hospitalization, and physical
19 therapy, and

20 WHEREAS, as a result of a suit filed following the
21 collision, the Indian River County School Board admitted
22 liability for the collision, and, following mediation on
23 February 27, 2002, the parties agreed to a final settlement of
24 all claims in exchange for the payment of \$287,500 to be paid
25 in four annual installments, and

26 WHEREAS, as part of the settlement, the Indian River
27 County School Board agreed that following the submission and
28 approval of the settlement at a noticed school-board meeting,
29 the board will join Amanda Johnson in the submission of a
30 claim bill to the Legislature, NOW, THEREFORE,

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

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

5 Section 2. The Indian River County School Board is
6 authorized and directed to compensate Amanda Johnson, in the
7 total amount of \$287,500, payable over a 4-year period in
8 equal installments of \$71,875 each, the first payment to be
9 made on the effective date of this act. The funds designated
10 for the benefit of Amanda Johnson shall be used to pay
11 statutory fees, costs, outstanding medical liens, and for her
12 other immediate needs, and the remaining funds shall be placed
13 into a special need trust created for the use and benefit of
14 Amanda Johnson. Any funds remaining in the special needs trust
15 at Amanda Johnson's death, after payment of any outstanding
16 medical liens, shall revert to the Indian River County School
17 Board.

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

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