

By the Committee on Education; and Senator Pruitt

304-1841-03

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, by and through her  
5           parents and natural guardians, Virginia and  
6           Charles Johnson, for injuries sustained due to  
7           the negligence of the Indian River County  
8           School Board; providing for the use of such  
9           funds; providing an effective date.

10

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

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

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

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

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

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 not oppose Amanda Johnson in the submission of  
30 a claim bill to the Legislature, NOW, THEREFORE,

31

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

2

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 appropriate from funds of the  
7 county not otherwise appropriated and to draw four annual  
8 warrants in the amount of \$71,875 each, for a total settlement  
9 of \$287,500, payable after July 1, 2003, to Virginia and  
10 Charles Johnson as parents and natural guardians of Amanda  
11 Johnson, as compensation for injuries and damages sustained by  
12 Amanda Johnson due to the negligence of Indian River County.  
13 Such funds are to be deposited in a restricted guardianship  
14 account established for the exclusive use and benefit of  
15 Amanda Johnson, and are inclusive of costs and attorney's fees  
16 as limited by section 768.28(8), Florida Statutes.

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

19

20

21

22

23

24

25

26

27

28

29

30

31

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 38

The CS made the following changes to SB 38:

The Indian River County School Board is directed to appropriate from funds not otherwise appropriated the claim bill amount, payable after July 1, 2003, to Virginia Johnson and Charles Johnson, parents and natural guardians of Amanda Johnson, a minor.

The funds are to be deposited in a restrictive guardianship account established for the exclusive use and benefit of Amanda Johnson and are inclusive of attorney's fees and costs pursuant to s. 768.28, F.S.

Unspent funds in the account would not revert to the Indian River County School Board.

The Indian River County School Board agrees not to oppose the claim bill.

The title is amended to reflect the above provisions.