

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.

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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

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

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

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

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 WHEREAS, Amanda Johnson was hospitalized for 11 days,
 was transferred to a rehabilitation center, where she remained
 as an in-patient for an additional 7 days, and was discharged
 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,

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

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

Section 2. The Indian River County School Board is authorized and directed to appropriate from funds of the county not otherwise appropriated and to draw four annual warrants in the amount of \$71,875 each, for a total settlement of \$287,500, payable after July 1, 2003, to Virginia and Charles Johnson as parents and natural guardians of Amanda Johnson, as compensation for injuries and damages sustained by Amanda Johnson due to the negligence of the Indian River County School Board. Such funds are to be deposited in a restricted guardianship account established for the exclusive use and benefit of Amanda Johnson, and are inclusive of costs and attorney's fees as limited by section 768.28(8), Florida Statutes.

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