

By the Committee on Education; and Senator Posey

304-1144-03

1                                   A bill to be entitled  
2           An act relating to the Indian River County  
3           School Board; providing for the relief of  
4           Taylor Rosemond, a minor, by and through her  
5           parents and natural guardians, Alvin and  
6           Shirley Rosemond, 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 Taylor  
12   Rosemond was a passenger on a school bus owned by the Indian  
13   River County School Board and operated by its employee,  
14   Deborah 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 Taylor Rosemond 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, Taylor Rosemond was taken by ambulance to a  
25   local hospital and thence airlifted to Arnold Palmer  
26   Children's Hospital in Orlando, and

27           WHEREAS, Taylor Rosemond was diagnosed with a lacerated  
28   kidney, bruised liver, and right renal laceration, and

29           WHEREAS, Taylor Rosemond's injuries resulting from the  
30   negligence of the school bus operator have caused her bodily  
31   injury and permanent pain and suffering, disability,

1 disfigurement, mental anguish, loss of capacity for the  
2 enjoyment of life, hospitalization expenses, nursing care  
3 expenses, medical expenses, loss of earnings and capacity to  
4 earn, and aggravation of previously existing conditions, and

5 WHEREAS, Taylor Rosemond's injuries have caused her  
6 parents lost income, permanent loss of support and services,  
7 and expenses for medical care, psychiatric care,  
8 hospitalization care, and nursing care for their daughter, and

9 WHEREAS, suit was filed in Indian River County  
10 following the collision, and prior to trial the case was  
11 settled in the amount of \$60,000, and

12 WHEREAS, the Indian River County School Board has  
13 agreed not to oppose this claim bill, NOW, THEREFORE,

14

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

16

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

19

20 Section 2. The Indian River County School Board is  
21 authorized and directed to appropriate from funds of the  
22 county not otherwise appropriated and to draw a warrant in the  
23 amount of \$60,000, payable after July 1, 2003, to Alvin and  
24 Shirley Rosemond, as parents and natural guardians of Taylor  
25 Rosemond, a minor, for injuries and damages sustained by  
26 Taylor Rosemond due to the negligence of Indian River County.  
27 Such funds are to be deposited into a guardianship account for  
28 the exclusive use and benefit of Taylor Rosemond. The amount  
29 payable pursuant to this section is inclusive of costs and  
30 attorney's fees as limited by section 768.28(8), Florida  
31 Statutes.

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

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4                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
5                   COMMITTEE SUBSTITUTE FOR  
6                   Senate Bill 42

7 The CS made the following changes to SB 42:

8 The Indian River School Board is directed to appropriate from  
9 funds not otherwise appropriated and to draw a warrant in the  
10 amount of \$60,000, payable after July 1, 2003, to Alvin and  
11 Shirley Rosemond, as parents and natural guardians of Taylor  
12 Rosemond, a minor, for injuries and damages sustained by  
13 Taylor Rosemond due to the negligence of Indian River County.

14 The funds are to be deposited into a guardianship account for  
15 the exclusive use and benefit of Taylor Rosemond.

16 The amount payable under the claim bill is inclusive of  
17 attorney's fees and costs as limited by section 768.28,  
18 Florida Statutes.

19 A reversion of funds to Indian River County is eliminated.

20 The title is amended to reflect that Indian River County does  
21 not oppose the claim bill.