

By the Committee on Education; and Senator Posey

304-1143-03

1                                   A bill to be entitled  
2           An act relating to Indian River County;  
3           providing for the relief of Clay Haywood, a  
4           minor, and Tatiana Haywood, a minor, by and  
5           through Michelle O'Halloran, mother and natural  
6           guardian of Clay Haywood and Tatiana Haywood,  
7           for injuries sustained due to the negligence of  
8           an Indian River County school bus driver;  
9           providing for the use of such funds; providing  
10          an effective date.

11  
12           WHEREAS, on January 25, 1999, Clay Haywood and Tatiana  
13   Haywood were passengers in a school bus owned by the Indian  
14   River County School Board and operated by an employee of the  
15   school board when the school bus failed to stop for a stop  
16   sign at the intersection of 45th Street and 66th Avenue in  
17   Vero Beach and collided with a tractor-trailer truck, and

18           WHEREAS, as a result of the collision, 11-year-old Clay  
19   Haywood sustained numerous severe traumatic injuries requiring  
20   multiple surgeries and was unable to attend school or engage  
21   in any normal daily activities for many months, and

22           WHEREAS, as a result of the injuries he suffered in the  
23   collision, Clay has incurred medical expenses totaling  
24   \$88,867.47 and will incur medical expenses in the future,  
25   including \$3,300 in dental expenses, and

26           WHEREAS, as a result of the collision, 9-year-old  
27   Tatiana Haywood sustained multiple facial lacerations,  
28   multiple extremity lacerations, and multiple contusions about  
29   the body which will require revision surgery when she has  
30   completed the majority of her growth, and

31

1           WHEREAS, as a result of the injuries she suffered in  
2 the collision, Tatiana has been left with permanent scarring,  
3 has incurred medical expenses totaling \$3,225.75, and will  
4 incur medical expenses in the future, and

5           WHEREAS, the Indian River County School Board admitted  
6 liability for the collision and has agreed to a court-ordered  
7 mediation settlement of all claims of Clay Haywood and Tatiana  
8 Haywood in the amount of \$225,000, payable by the school board  
9 in 3 annual installments of \$75,000, NOW, THEREFORE,

10  
11 Be It Enacted by the Legislature of the State of Florida:

12  
13           Section 1. The facts stated in the preamble to this  
14 act are found and declared to be true.

15           Section 2. The Indian River County School Board is  
16 authorized and directed to appropriate from funds of the  
17 county not otherwise appropriated and to draw three annual  
18 warrants in the amount of \$75,000 each, for a total settlement  
19 of \$225,000, payable after July 1, 2003, to Michelle  
20 O'Halloran, as plenary guardian of Clay Haywood and Tatiana  
21 Haywood, as compensation for injuries and damages sustained by  
22 Clay Haywood and Tatiana Haywood due to the negligence of  
23 Indian River County. The three annual installments shall be  
24 applied as follows:

25           (1) Twenty-five thousand dollars of the first  
26 installment for the benefit of Tatiana Haywood, as the minor  
27 child of Michelle O'Halloran, plenary guardian of Tatiana  
28 Haywood, to be placed in a restricted guardianship account for  
29 the exclusive use and benefit of Tatiana Haywood; and

30           (2) The remaining \$50,000 of the first installment and  
31 the entirety of the last two installments for the benefit of

1 Clay Haywood, as the minor child of Michelle O'Halloran,  
2 plenary guardian of Clay Haywood, to be placed in a restricted  
3 guardianship account for the exclusive use and benefit of Clay  
4 Haywood.

5  
6 The amount appropriated pursuant to this section is inclusive  
7 of costs and attorney's fees as limited by section 768.28(8),  
8 Florida Statutes.

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

11  
12 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
13 COMMITTEE SUBSTITUTE FOR  
14 Senate Bill 44

15 The CS made the following changes to SB 44:

16 The claim bill amount is payable after July 1, 2003, to  
17 Michelle O'Halloran, as plenary guardian of Clay Haywood and  
Tatiana Haywood.

18 The three annual installments shall be applied as follows:

19 Twenty-five thousand dollars of the first installment for the  
20 benefit of Tatiana Haywood, as the minor child of Michelle  
O'Halloran, plenary guardian of Tatiana Haywood, to be placed  
21 in a restricted guardianship account for the exclusive use and  
benefit of Tatiana Haywood; and

22 The remaining \$50,000 of the first installment and the  
23 entirety fo the last two installments for the benefit of Clay  
Haywood, as the minor child of Michelle O'Halloran, plenary  
24 guardian of Clay Haywood, to be placed in a restricted  
guardianship account for the exclusive use and benefit of Clay  
Haywood.

25 The amount appropriated pursuant to the claim bill is  
26 inclusive of costs and attorney's fees as limited by section  
768.28(8), Florida Statutes.

27 The title is amended to reflect compensation to the parties  
28 and the relationship between the parties.

29  
30  
31