

By Senator Posey

24-8-04

1 A bill to be entitled
2 An act relating to Indian River County;
3 providing for the relief of Debra Smith, Pamela
4 Hughes, Michael Truitt, and Charles Hughes;
5 authorizing and directing the Indian River
6 County School Board to compensate them for the
7 death of their father, Sammie Lee Hughes, due
8 to the negligence of the school board;
9 providing for attorney's fees and costs;
10 providing an effective date.

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12 WHEREAS, on Monday, January 25, 1999, at approximately
13 3:30 p.m., a school bus driver employed by the Indian River
14 County School District ran a stop sign at the intersection of
15 45th Street and 66th Avenue and collided with a truck driven
16 by Sammie Lee Hughes, and

17 WHEREAS, the impact sent the truck careening into a
18 drainage ditch, killing Mr. Hughes, and

19 WHEREAS, as a result of this accident, several injured
20 parties filed legal actions, and

21 WHEREAS, Debra Smith and Pamela Hughes, as co-personal
22 representatives of the estate of Sammie Lee Hughes, filed suit
23 in the Circuit Court of the 19th Judicial Circuit in and for
24 Indian River County, Florida (Case Number 99-0656-CA-10), and

25 WHEREAS, in a final judgment dated February 20, 2002,
26 the court awarded the sum of \$75,000 to Debra Smith, \$75,000
27 to Pamela Hughes, \$75,000 to Michael Truitt, and \$100,000 to
28 Charles Hughes, plus costs in the amount of \$530.72, for a
29 total sum of \$325,530.72, and

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1 WHEREAS, in October 2002 Mr. Hughes' children and the
2 Indian River County School Board reached a settlement
3 agreement in the amount of \$300,000, and

4 WHEREAS, the maximum amount that may be awarded under
5 section 768.28, Florida Statutes, has already been paid to
6 other plaintiffs for injuries suffered as a result of this
7 incident, and

8 WHEREAS, recovery of the amounts set forth in this act
9 may be obtained only through the Florida Legislature's passage
10 of a claim bill awarding such sums, NOW, THEREFORE,

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

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

16 Section 2. (1) The Indian River County School Board
17 is authorized and directed to compensate Debra Smith, Pamela
18 Hughes, Michael Truitt, and Charles Hughes for the wrongful
19 death of their father, Sammie Lee Hughes, in the total amount
20 of \$300,000, which amount includes statutory attorney's fees
21 and costs and which amount shall be paid in three
22 installments, in accordance with the release and settlement of
23 the claim, with \$150,000 to be paid in July 2003, \$75,000 to
24 be paid in July 2004, and \$75,000 to be paid in July 2005, out
25 of general funds of the School District of Indian River County
26 not otherwise appropriated. Each installment shall be paid by
27 drawing separate warrants payable to Debra Smith, Pamela
28 Hughes, Michael Truitt, and Charles Hughes, respectively, on
29 the basis of Debra Smith receiving 23 percent, Pamela Hughes
30 receiving 23 percent, Michael Truitt receiving 23 percent, and
31 Charles Hughes receiving 31 percent of each installment.

1 (2) Amounts paid for attorney's fees and costs, as
2 limited in accordance with section 768.28, Florida Statutes,
3 shall be payable from the first installment in a pro rata
4 share from each of the claimants.

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

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