

By the Committee on Finance and Taxation; and Senator Posey

314-2005-04

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

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

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

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

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

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

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 claims, with \$150,000 to be paid in July 2004, \$75,000 to
24 be paid in July 2005, and \$75,000 to be paid in July 2006, 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.

