

By Senator Posey

24-9-04

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 for attorney's fees and costs;
10 providing an effective date.

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12 WHEREAS, on January 25, 1999, 7-year-old Amanda Johnson
13 was a passenger on a school bus owned by the Indian River
14 County School Board and operated by its employee, Deborah
15 Colletti, and

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

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

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

29 WHEREAS, Amanda Johnson was hospitalized for 11 days,
30 was transferred to a rehabilitation center, where she remained
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1 as an in-patient for an additional 7 days, and was discharged
2 and received home-health services for 240 days, and

3 WHEREAS, on May 25, 1999, Amanda Johnson was again
4 hospitalized and after a pre-operative diagnosis of
5 hypertrophic nonunion of the left femoral shaft, she
6 subsequently underwent a second surgery, receiving
7 open-compression plating of the left femoral hypertrophic
8 nonunion, with bone biopsy and culture, and

9 WHEREAS, Amanda Johnson, as a result of the injury, has
10 a left femoral overgrowth, resulting in a limb-length
11 discrepancy that had increased to 2.2 centimeters by February
12 5, 2002, and

13 WHEREAS, Amanda Johnson currently must use a 1/2-inch
14 shoe lift and may require future epiphysiodesis of the
15 elongated left femur, and

16 WHEREAS, Amanda Johnson is receiving continuing medical
17 care following the injury, and

18 WHEREAS, Amanda Johnson has incurred medical expenses
19 totaling \$85,762.53, will require future orthopedic visits,
20 and may require future surgery, hospitalization, and physical
21 therapy, and

22 WHEREAS, as a result of a suit filed following the
23 collision, the Indian River County School Board admitted
24 liability for the collision, and, following mediation on
25 February 27, 2002, the parties agreed to a final settlement of
26 all claims in exchange for the payment of \$287,500 to be paid
27 in four annual installments, and

28 WHEREAS, as part of the settlement, the Indian River
29 County School Board agreed that following the submission and
30 approval of the settlement at a noticed school-board meeting,
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1 the board will not oppose Amanda Johnson in the submission of
2 a claim bill to the Legislature, NOW, THEREFORE,

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

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

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

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