

By the Committee on Finance and Taxation; and Senator Posey

314-2006-04

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.

11  
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,

3  
4 Be It Enacted by the Legislature of the State of Florida:

5  
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 school board not otherwise appropriated and to draw four  
11 annual warrants in the amount of \$71,875 each, for a total  
12 settlement of \$287,500, payable after July 1, 2004, to  
13 Virginia and Charles Johnson as parents and natural guardians  
14 of Amanda Johnson, as compensation for injuries and damages  
15 sustained by Amanda Johnson due to the negligence of the  
16 Indian River County School Board. Such funds shall be  
17 deposited in a restricted guardianship account established for  
18 the exclusive use and benefit of Amanda Johnson, and are  
19 inclusive of costs and attorney's fees as limited by section  
20 768.28(8), Florida Statutes.

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

23  
24 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
25 COMMITTEE SUBSTITUTE FOR  
26 SB 18

27 The CS made the following changes:

28 Corrects language to assure that the claim is paid out of  
29 funds of the Indian River County School Board instead of  
30 county funds and corrects the date of disbursement.

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