

ENROLLED

HB 0349

2004 Legislature

A bill to be entitled

An act relating to the Hillsborough County School Board; providing for the relief of Alana Kelly and Richard F. Taylor, Sr.; providing for an appropriation to compensate them for the death of their son, Richard F. Taylor, Jr., caused by the negligence of a Hillsborough County School Board employee; providing for attorney's fees and costs; providing an effective date.

WHEREAS, on April 24, 1998, 21-year-old Richard F. Taylor, Jr., was driving his motorcycle in a lawful manner heading south on U.S. 301 in Hillsborough County, and

WHEREAS, at the same time, a Hillsborough County school bus operated by a driver employed by the Hillsborough County School Board pulled out from a stop sign and attempted to cross the southbound lanes of U.S. 301 directly in the path of Richard Taylor's motorcycle, and

WHEREAS, although Mr. Taylor attempted to stop his motorcycle from colliding with the bus, he was unable to do so, and

WHEREAS, as a result of the collision of the school bus with his motorcycle, Mr. Taylor suffered trauma to the head and was pronounced dead at the scene, and

WHEREAS, an eyewitness to the accident observed the school bus pull out in front of the motorcycle in violation of the motorcycle's right-of-way, observed Mr. Taylor's attempt to stop, and observed the collision, and

WHEREAS, Richard F. Taylor, Jr., was survived by his mother, Alana Kelly, and his father, Richard F. Taylor, Sr., who have lost their only son and their only child, and

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WHEREAS, a lawsuit was filed against the Hillsborough County School Board for the wrongful death of Richard F. Taylor, Jr., and

WHEREAS, at the conclusion of the trial, the jury found the school board 75 percent at fault for the death of Richard F. Taylor, Jr., and entered a verdict for \$402,444, and

WHEREAS, after proper reductions for comparative fault, the judge entered a final judgment in favor of the claimants for a total of \$301,833, and

WHEREAS, the school board did not appeal the verdict and judgment, and

WHEREAS, the school board has paid \$200,000 to the claimants pursuant to the limits of liability set forth in s. 768.28, Florida Statutes, leaving an unpaid judgment amount of \$101,833, NOW, THEREFORE,

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

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

Section 2. The Hillsborough County School Board is authorized and directed to appropriate from funds of the school board not otherwise appropriated and to draw a warrant in the sum of \$50,000, which amount includes statutory attorney's fees and costs, payable to Alana Kelly as compensation for the death of her son, Richard F. Taylor, Jr., due to the negligence of an employee of the Hillsborough County School Board.

Section 3. The Hillsborough County School Board is authorized and directed to appropriate from funds of the school board not otherwise appropriated and to draw a warrant in the

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sum of \$51,833, which amount includes statutory attorney's fees and costs, payable to Richard F. Taylor, Sr., as compensation for the death of his son, Richard F. Taylor, Jr., due to the negligence of an employee of the Hillsborough County School Board.

Section 4. This act shall take effect upon becoming a law.