

HB 0833

2004

1 A bill to be entitled
 2 An act relating to the Indian River County School Board;
 3 providing for the relief of Amanda Johnson, a minor, by
 4 and through Virginia Johnson and Charles Johnson, her
 5 parents and natural guardians; providing for an
 6 appropriation to compensate her for injuries sustained due
 7 to the negligence of the Indian River County School Board;
 8 providing for the use of such funds; providing for
 9 attorney's fees and costs; providing an effective date.

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

14 WHEREAS, Deborah Colletti failed to stop at a stop sign
 15 located at the intersection of 45th Street and 66th Avenue in
 16 Indian River County, which failure caused the bus to collide
 17 with a tractor-trailer traveling on 66th Avenue, resulting in
 18 injuries to Amanda Johnson and 15 other children and the deaths
 19 of two other persons, and

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

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

27 WHEREAS, Amanda Johnson was hospitalized for 11 days, was
 28 transferred to a rehabilitation center where she remained as an
 29 inpatient for an additional 7 days, and was discharged and
 30 received home health services for 240 days, and

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31 WHEREAS, on May 25, 1999, Amanda Johnson was again
 32 hospitalized and, after a pre-operative diagnosis of
 33 hypertrophic nonunion of the left femoral shaft, she
 34 subsequently underwent a second surgery, receiving open-
 35 compression plating of the left femoral hypertrophic nonunion,
 36 with bone biopsy and culture, and

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

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

43 WHEREAS, Amanda Johnson is receiving continuing medical
 44 care following the injury, and

45 WHEREAS, Amanda Johnson has incurred medical expenses
 46 totaling \$85,762.53, will require future orthopedic visits, and
 47 may require future surgery, hospitalization, and physical
 48 therapy, and

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

55 WHEREAS, as part of the settlement, the Indian River County
 56 School Board agreed that, following the submission and approval
 57 of the settlement at a noticed school board meeting, the board
 58 will not oppose Amanda Johnson in the submission of a claim bill
 59 to the Legislature, NOW, THEREFORE,

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

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

65 Section 2. The Indian River County School Board is
66 authorized and directed to appropriate from funds of the school
67 board not otherwise appropriated and to draw four annual
68 warrants in the amount of \$71,875 each, for a total settlement
69 of \$287,500, payable after July 1, 2004, to Virginia Johnson and
70 Charles Johnson, as parents and natural guardians of Amanda
71 Johnson, as compensation for injuries and damages sustained by
72 Amanda Johnson, minor child of Virginia Johnson and Charles
73 Johnson, due to the negligence of the Indian River County School
74 Board. Such funds are to be deposited into a restricted
75 guardianship account established for the exclusive use and
76 benefit of Amanda Johnson, and are inclusive of costs and
77 attorney's fees as limited by s. 768.28(8), Florida Statutes.

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