

ENROLLED

HB 0833

2004 Legislature

A bill to be entitled

An act relating to the Indian River County School Board; providing for the relief of Amanda Johnson, a minor, by and through Virginia Johnson and Charles Johnson, her parents and natural guardians; providing for an appropriation to compensate her for injuries sustained due to the negligence of the Indian River County School Board; providing for the use of such funds; providing for attorney's fees and costs; providing an effective date.

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

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

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

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

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

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

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

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

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

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

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

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

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

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