

ENROLLED

HB 0835

2004 Legislature

A bill to be entitled

An act relating to Indian River County; providing for the relief of Debra Smith, Pamela Hughes, Michael Truitt, and Charles Hughes; authorizing and directing the Indian River County School Board to compensate them for the death of their father, Sammie Lee Hughes, due to the negligence of the school board; providing for payment of attorney's fees and costs; providing an effective date.

WHEREAS, on Monday, January 25, 1999, at approximately 3:30 p.m., a school bus driver employed by the Indian River County School District ran a stop sign at the intersection of 45th Street and 66th Avenue and collided with a truck driven by Sammie Lee Hughes, and

WHEREAS, the impact sent the truck careening into a drainage ditch, killing Mr. Hughes, and

WHEREAS, as a result of this accident, several injured parties filed legal actions, and

WHEREAS, Debra Smith and Pamela Hughes, as co-personal representatives of the estate of Sammie Lee Hughes, filed suit in the Circuit Court of the 19th Judicial Circuit in and for Indian River County, Florida (Case Number 99-0656-CA-10), and

WHEREAS, in a final judgment dated February 20, 2002, the court awarded the sum of \$75,000 to Debra Smith, \$75,000 to Pamela Hughes, \$75,000 to Michael Truitt, and \$100,000 to Charles Hughes, plus costs in the amount of \$530.72, for a total sum of \$325,530.72, and

WHEREAS, in October 2002, Mr. Hughes' children and the Indian River County School Board reached a settlement agreement in the amount of \$300,000, and

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WHEREAS, the maximum amount that may be awarded under section 768.28, Florida Statutes, has already been paid to other plaintiffs for injuries suffered as a result of this incident, and

WHEREAS, recovery of amounts set forth in this act may be obtained only through the Legislature's passage of a claim bill awarding such sums, 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. (1) The Indian River County School Board is authorized and directed to compensate Debra Smith, Pamela Hughes, Michael Truitt, and Charles Hughes for the wrongful death of their father, Sammie Lee Hughes, in the total amount of \$300,000, which amount includes statutory attorney's fees and costs and shall be paid in three installments in accordance with the release and settlement of the claim, with \$150,000 to be paid in July 2004, \$75,000 to be paid in July 2005, and \$75,000 to be paid in July 2006, out of general funds of the School District of Indian River County not otherwise appropriated. Each installment shall be paid by drawing separate warrants payable to Debra Smith, Pamela Hughes, Michael Truitt, and Charles Hughes, respectively, on the basis of Debra Smith receiving 23 percent, Pamela Hughes receiving 23 percent, Michael Truitt receiving 23 percent, and Charles Hughes receiving 31 percent of each installment.

(2) Amounts paid for attorney's fees and costs, as limited in accordance with s. 768.28, Florida Statutes, shall be payable

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from the first installment in a pro rata share of each of the
claimants.

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