

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative(s) Hasner offered the following:

3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

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

8 Section 2. The Pinellas County School Board is authorized
9 and directed to appropriate from funds of the school board not
10 otherwise encumbered and to draw a warrant payable to the estate
11 of Brooke Ingoldsby, decedent minor, for the total amount of
12 \$100,000 as compensation to the estate of Brooke Ingoldsby for
13 the wrongful death of Brooke Ingoldsby as a result of the
14 negligence of the Pinellas County School Board.

15 Section 3. The Pinellas County School Board is authorized
16 and directed to appropriate from funds of the school board not

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17 otherwise encumbered and to draw a warrant payable to Michelle
18 Allen, parent and natural guardian of Brooke Ingoldsby, her
19 deceased minor child, for the total amount of \$1.2 million for
20 the wrongful death of her daughter, Brooke Ingoldsby, as a
21 result of the negligence of the Pinellas County School Board.

22 Section 4. Payment for attorney's fees and costs incurred
23 by the claimant's attorneys shall not exceed \$280,237. Payment
24 for the professional services and costs of lobbyists advocating
25 for passage of this claim shall not exceed \$13,000.

26 Section 5. This act shall take effect upon becoming a law.
27
28
29

30 ===== T I T L E A M E N D M E N T =====

31 On page 1, line 1, through page 3, line 9, remove all of
32 said lines, and insert:
33

34 A bill to be entitled
35 An act for the relief of the estate of Brooke Ingoldsby,
36 deceased minor child of Michelle Allen, and Michelle
37 Allen, parent and natural guardian of Brooke Ingoldsby,
38 individually, by the Pinellas County School Board;
39 providing for an appropriation to compensate the estate of
40 Brooke Ingoldsby, and Michelle Allen, individually, for
41 the wrongful death of Brooke Ingoldsby, which was due in
42 part to the negligent failure of a county school bus
43 driver to secure the safety of children who exit the

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44 school bus; providing for limitation on attorney's fees
45 and lobbying fees; providing an effective date.

46
47 WHEREAS, on February 11, 2005, Brooke Ingoldsby, an 8-year-
48 old third grader at James B. Sanderlin Elementary School, was
49 being transported home on a school bus of the Pinellas County
50 School Board which was driven by an inadequately trained
51 substitute bus driver employed by the school board, and

52 WHEREAS, rather than depositing Brooke Ingoldsby, who was
53 the last student on the bus, at her appointed bus stop where her
54 grandmother was waiting for her, the substitute bus driver
55 dropped Brooke Ingoldsby off on the corner of 90th Avenue and
56 the east side of 9th Street North, an extremely busy
57 thoroughfare in St. Petersburg, Pinellas County, Florida, and

58 WHEREAS, when the substitute bus driver dropped off Brooke
59 Ingoldsby, he did not turn on the bus's flashing lights or
60 display its stop sign, and

61 WHEREAS, as Brooke Ingoldsby attempted to cross 9th Street
62 North, another school bus of the Pinellas County School Board,
63 which was also operated by an employee of the school board, was
64 northbound on 9th Street North, and

65 WHEREAS, as that school bus was slowing to a stop at the
66 intersection of 90th Avenue and 9th Street North, the driver did
67 not turn on the red flashing lights or extend the stop sign on
68 the side of the bus even though the driver saw southbound
69 traffic approaching the intersection as Brooke Ingoldsby started
70 to cross 9th Street North, and

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71 WHEREAS, Brooke Ingoldsby was subsequently struck by a
72 southbound sports utility vehicle in the west-most southbound
73 lane of 9th Street North and was pronounced dead 3 hours later
74 at Bayfront Medical Center, and

75 WHEREAS, Brooke Ingoldsby suffered multisystem trauma, head
76 injury, bilateral closed femur injury, a closed right humerus
77 fracture, and a severe abrasion to her right waistline, and

78 WHEREAS, it was later determined that the substitute bus
79 driver was uncertain where to allow Brooke Ingoldsby to exit the
80 school bus and was given an incomplete drop-off schedule, and

81 WHEREAS, before this accident, Brooke Ingoldsby's mother,
82 Michelle Allen, had made numerous complaints to the Pinellas
83 County School Board regarding the lack of safety of the children
84 in the school district's transportation system, and

85 WHEREAS, the Pinellas County School Board admitted
86 liability for Brooke Ingoldsby's death and agreed to pay the
87 total sum of \$2.5 million for the damages and losses sustained
88 by the estate of Brooke Ingoldsby and for the losses suffered by
89 Brooke Ingoldsby's mother, Michelle Allen, and

90 WHEREAS, judgment was entered in the amount of \$2.5
91 million, including \$200,000 in damages and losses sustained by
92 the estate of Brooke Ingoldsby and \$2.3 million for the losses
93 suffered by Brooke Ingoldsby's mother, Michelle Allen, and

94 WHEREAS, the school district has paid \$100,000 to the
95 estate and \$100,000 for the losses suffered by Michelle Allen,
96 thus exhausting the limits of the waiver of sovereign immunity,
97 and

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HOUSE AMENDMENT

Bill No. CS/SB 74

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98 WHEREAS, the school district maintained a liability policy
99 of \$1 million, which was paid to Michelle Allen, and

100 WHEREAS, the remaining sums owed under the judgment include
101 \$100,000, which is owed to the estate, and \$1.2 million, which
102 is owed to Michelle Allen, NOW, THEREFORE,

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