

By Senator Wilson

33-92A-07

1 A bill to be entitled

2 An act relating to the Pinellas County School

3 Board; providing for the compensation of the

4 estate of Brooke Ingoldsby and for the relief

5 of Michelle Allen, parent and natural guardian

6 of Brooke Ingoldsby, a minor, for the wrongful

7 death of her daughter, which was due in part to

8 the negligent failure of a county school bus

9 driver to secure the safety of children who

10 exit the school bus; providing for the payment

11 of damages; providing an effective date.

12

13 WHEREAS, on February 11, 2005, Brooke Ingoldsby, an

14 8-year-old third grader at James B. Sanderlin Elementary

15 School, was being transported home on a school bus of the

16 Pinellas County School Board which was driven by an

17 inadequately trained substitute bus driver employed by the

18 school board, and

19 WHEREAS, rather than depositing Brooke, who was the

20 last student on the bus, at her appointed bus stop where her

21 grandmother was waiting for her, the substitute bus driver

22 dropped Brooke off on the corner of 90th Avenue and the east

23 side of 9th Street North, an extremely busy thoroughfare in

24 St. Petersburg, Pinellas County, Florida, and

25 WHEREAS, when the substitute bus driver dropped off

26 Brooke, he did not turn on the bus's flashing lights or

27 display its stop sign, and

28 WHEREAS, as Brooke attempted to cross 9th Street North,

29 another school bus of the Pinellas County School Board, which

30 was also operated by an employee of the school board, was

31 northbound on 9th Street North, and

1 WHEREAS, as that school bus was slowing to a stop at
2 the intersection of 90th Avenue and 9th Street North, the
3 driver did not turn on the red flashing lights or extend the
4 stop sign on the side of the bus even though the driver saw
5 southbound traffic approaching the intersection as Brooke
6 started to cross 9th Street North, and

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

11 WHEREAS, Brooke suffered multisystem trauma, head
12 injury, bilateral closed femur injury, a closed right humerus
13 fracture, and a severe abrasion to her right waistline, and

14 WHEREAS, it was later determined that the substitute
15 bus driver was uncertain where to allow Brooke to exit the
16 school bus and was given an incomplete drop-off schedule, and

17 WHEREAS, before this accident, Brooke's mother,
18 Michelle Allen, had made numerous complaints to the Pinellas
19 County School Board regarding the lack of safety of the
20 children in the school district's transportation system, and

21 WHEREAS, the Pinellas County School Board admitted
22 liability for Brooke's death and agreed to pay the total sum
23 of \$2.5 million for the damages and losses sustained by the
24 estate of Brooke Ingoldsby and for the losses suffered by
25 Brooke's mother, Michelle Allen, and

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

30 WHEREAS, the school district has paid \$100,000 to the
31 estate and \$100,000 for the losses suffered by Michelle Allen,

1 thus exhausting the limits of the waiver of sovereign
2 immunity, and

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

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

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

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

13 Section 2. The Pinellas County School Board is
14 directed to compensate the estate of Brooke Ingoldsby the sum
15 of \$100,000 for the wrongful death of Brooke Ingoldsby, a
16 minor, out of the funds of the Pinellas County School Board.

17 Section 3. The Pinellas County School Board is
18 directed to compensate Michelle Allen, as parent and natural
19 guardian of Brooke Ingoldsby, a minor, the sum of \$1.2 million
20 for the wrongful death of her daughter, out of the funds of
21 the Pinellas County School Board.

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