

By the Committee on Education Pre-K - 12; and Senator Wilson

581-2564-07

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 legislative intent;
12 limiting fees and costs; providing an effective
13 date.

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15 WHEREAS, on February 11, 2005, Brooke Ingoldsby, an
16 8-year-old third grader at James B. Sanderlin Elementary
17 School, was being transported home on a school bus of the
18 Pinellas County School Board which was driven by an
19 inadequately trained substitute bus driver employed by the
20 school board, and

21 WHEREAS, rather than depositing Brooke, who was the
22 last student on the bus, at her appointed bus stop where her
23 grandmother was waiting for her, the substitute bus driver
24 dropped Brooke off on the corner of 90th Avenue and the east
25 side of 9th Street North, an extremely busy thoroughfare in
26 St. Petersburg, Pinellas County, Florida, and

27 WHEREAS, when the substitute bus driver dropped off
28 Brooke, he did not turn on the bus's flashing lights or
29 display its stop sign, and

30 WHEREAS, as Brooke attempted to cross 9th Street North,
31 another school bus of the Pinellas County School Board, which

1 | was also operated by an employee of the school board, was
2 | northbound on 9th Street North, and

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

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

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

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

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

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

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

1 WHEREAS, the school district has paid \$100,000 to the
2 estate and \$100,000 for the losses suffered by Michelle Allen,
3 thus exhausting the limits of the waiver of sovereign
4 immunity, and

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

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

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

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

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

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

24 Section 4. This award is intended to provide the sole
25 compensation for any and all present and future claims arising
26 out of the factual situation in connection with the death of
27 Brooke Ingoldsby. Not more than 25 percent of the award may be
28 paid by the estate or claimant for attorney's fees, lobbying
29 fees, costs, or other similar expenses.

30 Section 5. This act shall take effect upon becoming a
31 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 74

This committee substitute provides a limitation on attorney's fees, lobbying fees, costs, or other similar expenses.