

STORAGE NAME: h0897.SLC  
DATE: April 6, 2007

Florida House of Representatives  
Summary Claim Bill Report

Bill #: HB 897  
Sponsor: Rep. Peterman  
Companion Bill: SB 74 by Sen. Wilson  
Special Master: Tom Thomas

**A. Basic Information:**

1. **Claimants:** Michelle Allen and the Estate of Brooke Ingoldsby
2. **Respondent:** Pinellas County School Board
3. **Amount Requested:** \$1,300,000
4. **Type of Claim:** Equitable; result of a settlement agreement.
5. **Respondent's Position:** Agrees not to object to the claim bill, provided the claim bill does not exceed \$1,300,000.
6. **Collateral Sources:** The Claimants have received funds from various sources to cover some of the expenses related to this tragic accident. The School Board paid \$200,000, which is the statutory limit authorized under s. 768.28, F.S., and their insurance company paid \$1,000,000 pursuant to an excess insurance policy. Donations of approximately \$10,000 were received from the community and were used to cover funeral expenses. Finally, \$130,000 was received from auto insurance policies.
7. **Attorney's Fees:** The claimant's attorney has submitted documentation that her fees are limited to 25% of the recovery, and lobbying fees are limited to an additional 5% of the recovery. Outstanding costs are estimated to be \$237.
8. **Prior Legislative History:** None.

**B. Procedural Summary:** The Claimants filed a negligence suit against the Pinellas County School Board in the Sixth Judicial Circuit in and for Pinellas County on December 2, 2005. Prior to trial, the parties entered into a settlement agreement whereby the School Board agreed to pay Michelle Allen a total of \$2,500,000, of which \$1,200,000 has already been paid; \$200,000 pursuant to the cap on government liability in s. 768.28(5), F.S., and \$1,000,000 under a School Board excess insurance policy. The settlement includes costs and attorney's fees. The School Board unanimously approved the settlement on January 24, 2006.

**C. Facts of Case:** On February 11, 2005, Brooke Ashlee Ingoldsby rode a Pinellas County School Board bus home from school. Brooke was an eight-year-old third grade student at James B.

Sanderlin Elementary School in Pinellas County, Florida. Brooke's father had passed away and her mother is Michelle Allen. The bus was driven by a substitute driver and employee of the School Board. The substitute driver had never driven this particular route before. The driver had been given an inaccurate route sheet and due to several other factors, was more than one hour behind schedule when he arrived at Brooke's bus stop. Brooke's grandmother had been waiting for more than one hour when she left the bus stop to return to the family's apartment to use the phone to see if she could learn about Brooke's delay. When Brooke's grandmother arrived back at the bus stop, Brooke had been struck by a car trying to cross Ninth Street North.

Brooke was the last student to be dropped off that day. Rather than stopping at Brooke's appointed bus stop (on the west side of Ninth Street North) where Brooke's grandmother had been waiting, the bus driver dropped her off on the east side of Ninth Street North and 90<sup>th</sup> Avenue North. Ninth Street North is an extremely busy four-lane road in Saint Petersburg, Florida. Brooke exited the bus on 90<sup>th</sup> Avenue North and crossed 90<sup>th</sup> Avenue North in front of the bus. After she had crossed 90<sup>th</sup> Avenue North, the bus driver turned off all lights and pulled forward anticipating making a right-hand turn onto Ninth Street North. Before the bus driver made the turn, Brooke proceeded to attempt to cross Ninth Avenue North in order to get to the correct side of the road where she knew her grandmother should be. She made it across the two lanes of northbound traffic and then began to cross the two southbound lanes. Two vehicles were approaching at an estimated speed of forty miles-per-hour, the posted speed limit. The first vehicle saw Brooke and was able to stop before striking her. However, the second vehicle was unable to see Brooke because of the first vehicle blocking his line of sight and struck her at approximately 4:43 pm. At 8:15 pm that evening, on February 11, 2006, Brooke Ashlee Ingoldsby was pronounced dead at Bayfront Medical Center due to internal bleeding and pressure on the heart. She suffered multiple system trauma, head injury, bilateral closed femurs injury, closed right humerus fracture, a severe abrasion to her right waistline, and lung and liver damage.

A police investigation determined that the substitute bus driver had dropped Brooke off on the wrong side of Ninth Street North. The bus driver was unfamiliar with the route and the computer map furnished to the driver was an old version of the route and contained only four of the thirteen appointed stops. The school district was aware of the computer glitch that caused the incorrect map to be printed and had been working for days to correct it. The bus driver phoned a supervisor and was given the additional stops over the phone and was provided the correct stop for Brooke. The driver wrote the correct stop for Brooke on the back of his route sheet as the "west side" of Ninth Street North. Despite receiving the correct information for the stop, the bus driver dropped Brooke off on the east side of Ninth Street North.

SM: \_\_\_\_\_ SD: \_\_\_\_\_ Date: \_\_\_\_\_  
Tom Thomas Stephanie O. Birtman