

1 A bill to be entitled

2 An act for the relief of the estate of Brooke Ingoldsby,  
3 deceased minor child of Michelle Allen, and Michelle  
4 Allen, parent and natural guardian of Brooke Ingoldsby,  
5 individually, by the Pinellas County School Board;  
6 providing for an appropriation to compensate the estate of  
7 Brooke Ingoldsby, and Michelle Allen, individually, for  
8 the wrongful death of Brooke Ingoldsby, which was due in  
9 part to the negligent failure of a county school bus  
10 driver to secure the safety of children who exit the  
11 school bus; providing for limitation on attorney's fees  
12 and lobbying fees; providing an effective date.

13  
14 WHEREAS, on February 11, 2005, Brooke Ingoldsby, an 8-year-  
15 old third grader at James B. Sanderlin Elementary School, was  
16 being transported home on a school bus of the Pinellas County  
17 School Board which was driven by an inadequately trained  
18 substitute bus driver employed by the school board, and

19 WHEREAS, rather than depositing Brooke Ingoldsby, who was  
20 the 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 Ingoldsby off on the corner of 90th Avenue and  
23 the east side of 9th Street North, an extremely busy  
24 thoroughfare in St. Petersburg, Pinellas County, Florida, and

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

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

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29 North, another school bus of the Pinellas County School Board,  
30 which was also operated by an employee of the school board, was  
31 northbound on 9th Street North, and

32 WHEREAS, as that school bus was slowing to a stop at the  
33 intersection of 90th Avenue and 9th Street North, the driver did  
34 not turn on the red flashing lights or extend the stop sign on  
35 the side of the bus even though the driver saw southbound  
36 traffic approaching the intersection as Brooke Ingoldsby started  
37 to cross 9th Street North, and

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

42 WHEREAS, Brooke Ingoldsby suffered multisystem trauma, head  
43 injury, bilateral closed femur injury, a closed right humerus  
44 fracture, and a severe abrasion to her right waistline, and

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

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

52 WHEREAS, the Pinellas County School Board admitted  
53 liability for Brooke Ingoldsby's death and agreed to pay the  
54 total sum of \$2.5 million for the damages and losses sustained  
55 by the estate of Brooke Ingoldsby and for the losses suffered by  
56 Brooke Ingoldsby's mother, Michelle Allen, and

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

61 WHEREAS, the school district has paid \$100,000 to the  
 62 estate and \$100,000 for the losses suffered by Michelle Allen,  
 63 thus exhausting the limits of the waiver of sovereign immunity,  
 64 and

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

67 WHEREAS, the remaining sums owed under the judgment include  
 68 \$100,000, which is owed to the estate, and \$1.2 million, which  
 69 is owed to Michelle Allen, NOW, THEREFORE,

70

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

72

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

75 Section 2. The Pinellas County School Board is authorized  
 76 and directed to appropriate from funds of the school board not  
 77 otherwise encumbered and to draw a warrant payable to the estate  
 78 of Brooke Ingoldsby, decedent minor, for the total amount of  
 79 \$100,000 as compensation to the estate of Brooke Ingoldsby for  
 80 the wrongful death of Brooke Ingoldsby as a result of the  
 81 negligence of the Pinellas County School Board.

82 Section 3. The Pinellas County School Board is authorized  
 83 and directed to appropriate from funds of the school board not  
 84 otherwise encumbered and to draw a warrant payable to Michelle

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85 Allen, parent and natural guardian of Brooke Ingoldsby, her  
86 deceased minor child, for the total amount of \$1.2 million for  
87 the wrongful death of her daughter, Brooke Ingoldsby, as a  
88 result of the negligence of the Pinellas County School Board.

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

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