

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

581-05309-09

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1 A bill to be entitled

2 An act for the relief of Vincent Merriweather by the
3 Palm Beach County School Board; providing for an
4 appropriation to compensate Vincent Merriweather for
5 injuries sustained as a result of the negligence of a
6 bus driver of the Palm Beach County School District;
7 providing a limitation on the payment of fees and
8 costs; providing an effective date.

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10 WHEREAS, on December 15, 2005, 41-year-old Vincent H.
11 Merriweather, a professional firefighter for Palm Beach County,
12 was struck by a school bus driven by an employee of the Palm
13 Beach County School District while Mr. Merriweather was stopped
14 at a red light at the intersection of Forest Hill Boulevard and
15 Olympia Boulevard in Palm Beach County, and

16 WHEREAS, the bus driver, Dennis Grantham, was cited for
17 careless driving and the speed of the bus at the time of impact
18 was 48.5 miles per hour, and

19 WHEREAS, as a result of the crash, Vincent Merriweather,
20 who was wearing a seatbelt, was ejected backward and suffered
21 spinal cord contusions at C3 and C6-7, a disc disruption at C6-7
22 with bone fragment injury at C6-7, encroachment of bone into the
23 spinal canal at C6 and C7, soft tissue edema consistent with
24 disruption of the posterior longitudinal ligament, and
25 ligamentum nuchae at C6-7, and

26 WHEREAS, Vincent Merriweather was admitted to the intensive
27 care unit at St. Mary's Medical Center and was treated for
28 weakness in both arms, mild lower leg weakness consistent with
29 quadraparesis, left unilateral facet fracture, and ligamentous

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30 injuries to the posterior longitude ligament, and

31 WHEREAS, as a result of his injuries, Vincent Merriweather
32 suffers gait dysfunction, a decrease in sexual function,
33 bilateral spasticity in his legs, and is very susceptible to
34 falling; his fine motor movements are impaired bilaterally and
35 he suffers from sensory loss from C4 down; there is decreased
36 sensory sensation at C5-6 bilaterally; and Vincent Merriweather
37 cannot do heavy lifting, suffers from constipation, and has
38 intermittent problems emptying his bladder, and

39 WHEREAS, Vincent Merriweather is unemployable, limited in
40 his movements, unsteady in his gait, and 80 to 85 percent
41 totally disabled, and

42 WHEREAS, the Palm Beach County School Board admitted
43 liability in the lawsuit that was filed in this case, tendered
44 payment of \$100,000 to Vincent Merriweather, in accordance with
45 the statutory limits of liability set forth in s. 768.28,
46 Florida Statutes, and unanimously passed a resolution to pay a
47 claim bill in favor of Vincent Merriweather in the amount of
48 \$3.9 million, NOW, THEREFORE,

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

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

54 Section 2. The Palm Beach County School Board is directed
55 and authorized to appropriate from funds of the school board not
56 otherwise encumbered and draw warrants in the amount of \$1
57 million each fiscal year beginning in 2009-2010 through 2011-
58 2012, inclusive, and \$900,000 in the 2012-2013 fiscal year,

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59 payable to Vincent Merriweather, as compensation for his
60 injuries and damages.

61 Section 3. The amount awarded in this act is intended to
62 provide the sole compensation for all present and future claims
63 against the Palm Beach County School Board arising out of the
64 factual situation described in this act which resulted in
65 injuries to Vincent Merriweather. The total amount paid for
66 attorney's fees, lobbying fees, costs, and other similar
67 expenses relating to this claim may not exceed 25 percent of the
68 total amount awarded under this act.

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