

HB 591

2011

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

9 WHEREAS, on December 15, 2005, 14-year-old Altavious
10 Carter, a freshman at Summit Christian School in Palm Beach
11 County, was a passenger in a vehicle driven by Vincent H.
12 Merriweather which was struck by a school bus driven by an
13 employee of the Palm Beach County School District while Mr.
14 Merriweather was stopped at a red light at the intersection of
15 Forest Hill Boulevard and Olympia Boulevard in Palm Beach
16 County, and

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

20 WHEREAS, the seat in which Altavious Carter was sitting was
21 broken as a result of the crash, and Mr. Carter, who was wearing
22 a seatbelt, was thrown into the back of the van, his neck was
23 broken at the C6 level, and he suffered a C6-7 interior
24 subluxation and reversal of normal cervical lordosis, with
25 spinal cord flattening, and

26 WHEREAS, Altavious Carter was taken by ambulance to
27 Wellington Regional Medical Center and subsequently to St.
28 Mary's Medical Center where he was diagnosed and treated for

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29 | these injuries, and

30 | WHEREAS, Altavious Carter received a discectomy/fusion at
31 | C6-7, along with placement of a bone graft and cage, plates, and
32 | screws to fuse the spine at C6-7, and

33 | WHEREAS, following rehabilitation, an MRI was taken in June
34 | 2009 which indicated a small herniation at the C7-T1 level,
35 | representing the start of degenerative disc disease, and

36 | WHEREAS, on February 25, 2010, Altavious Carter received a
37 | jury verdict against the Palm Beach County School Board and the
38 | court entered a judgment in the amount of \$1,094,034.30, and

39 | WHEREAS, the Palm Beach County School Board is obligated to
40 | pay the statutory limit of \$100,000 under s. 768.28, Florida
41 | Statutes, and

42 | WHEREAS, the Palm Beach County School Board is responsible
43 | for paying the remainder of the judgment, which is \$994,034.30,
44 | NOW, THEREFORE,

45 |

46 | Be It Enacted by the Legislature of the State of Florida:

47 |

48 | Section 1. The facts stated in the preamble to this act
49 | are found and declared to be true.

50 | Section 2. The Palm Beach County School Board is
51 | authorized and directed to appropriate from funds of the school
52 | board not otherwise encumbered and to draw a warrant in the sum
53 | of \$944,034.30, payable to Altavious Carter, as compensation for
54 | injuries and damages sustained.

55 | Section 3. The amount paid by the Palm Beach County School
56 | Board pursuant to s. 768.28, Florida Statutes, and amount

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57 awarded under this act are intended to provide the sole
58 compensation for all present and future claims arising out of
59 the factual situation described in this act which resulted in
60 injuries to Altavious Carter. The total amount paid for
61 attorney's fees, lobbying fees, costs, and other similar
62 expenses relating to this claim may not exceed 25 percent of the
63 total amount awarded under this act.

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