



369386

LEGISLATIVE ACTION

Senate

House

.
. .
. .
. .
. .

Floor: 1/AD/2R

03/07/2012 03:15 PM

Senator Garcia moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

Section 2. The District School Board of Sumter County is authorized and directed to appropriate from funds of the school board not otherwise appropriated and from available insurance proceeds and to draw a warrant payable to Donald Brown in the amount of \$900,000. In addition, the District School Board of Sumter County is further authorized and directed to appropriate from funds of the school board not otherwise appropriated and to



369386

14 draw a warrant payable to Donald Brown in the sum of \$50,000 by
15 July 1 of each year beginning in 2013 through 2022, inclusive,
16 for a total of \$500,000. The total amount awarded under this act
17 is \$1,400,000.

18 Section 3. The compensation awarded under this act is
19 intended to provide the sole compensation for all present and
20 future claims arising out of the factual situation described in
21 this act which resulted in the injuries to Donald Brown. The
22 total amount paid for attorney's fees, lobbying fees, costs, and
23 other similar expenses relating to this claim may not exceed 15
24 percent of the first \$1,000,000 awarded under this act, and 10
25 percent of the remainder awarded under this act, for a total of
26 \$190,000.

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

28
29 ===== T I T L E A M E N D M E N T =====

30 And the title is amended as follows:

31 Delete everything before the enacting clause
32 and insert:

33 A bill to be entitled
34 An act for the relief of Donald Brown by the District
35 School Board of Sumter County; providing for an
36 appropriation to compensate Donald Brown for injuries
37 sustained as a result of the negligence of an employee
38 of the District School Board of Sumter County;
39 providing a limitation on the payment of fees and
40 costs; providing an effective date.

41
42 WHEREAS, on October 18, 2004, at approximately 6:45 a.m.,



369386

43 Donald Brown was driving his Harley-Davidson motorcycle
44 eastbound on County Road 470 and was approaching the
45 intersection with County Road 475 in Bushnell, Florida, and

46 WHEREAS, Patsy C. Foxworth was operating a school bus,
47 owned by the District School Board of Sumter County, on County
48 Road 475 in Bushnell, Florida, and

49 WHEREAS, Patsy C. Foxworth was operating and driving the
50 motor vehicle with the permission and consent of its owner, the
51 District School Board of Sumter County, and

52 WHEREAS, at that time and place, Patsy C. Foxworth
53 negligently operated the Sumter County school bus by pulling in
54 front of Donald Brown in an attempt to make a left turn, which
55 caused a collision with his motorcycle, and

56 WHEREAS, the District School Board of Sumter County is
57 vicariously liable for the negligence of Patsy C. Foxworth under
58 the doctrine of respondeat superior, s. 768.28(9)(a), Florida
59 Statutes, and

60 WHEREAS, upon the impact with the Sumter County school bus,
61 Donald Brown sustained a life-changing injury, and his right
62 lower leg was amputated instantly below the knee as his leg and
63 foot were pinned between the bumper of the bus and motorcycle,
64 and

65 WHEREAS, Donald Brown seeks to recover damages for his
66 bodily injury, including a permanent injury to the body as a
67 whole, past and future pain and suffering of both a physical and
68 mental nature, disability, physical impairment, disfigurement,
69 mental anguish, inconvenience, loss of capacity for the
70 enjoyment of life, expense of hospitalization, medical and
71 nursing care and treatment, loss of earnings, loss of ability to



369386

72 earn money, and loss of ability to lead and enjoy a normal life,
73 and

74 WHEREAS, Donald Brown was airlifted to Orlando Regional
75 Medical Center and was hospitalized from October 18, 2004, to
76 October 27, 2004, where he was taken to surgery on October 18,
77 2004, to complete a below-the-knee amputation of his right leg,
78 and

79 WHEREAS, Donald Brown underwent additional surgeries on
80 October 25, 2004, and October 28, 2004, to care for the wound
81 and to do skin grafts from his left thigh to cover an area of
82 approximately 45 by 30 cm on his right leg, and

83 WHEREAS, Donald Brown was transferred to Shands Hospital in
84 Gainesville, Florida, for rehabilitation from November 2, 2004,
85 to November 12, 2004, and

86 WHEREAS, as a result of the injuries incurred on October
87 18, 2004, Donald Brown required the use of a prosthetic leg,
88 which resulted in ulcers requiring additional surgery on January
89 17, 2006, and

90 WHEREAS, the effects of the injuries have been devastating,
91 restricting Donald Brown's ability to work and enjoy life, and

92 WHEREAS, Donald Brown incurred medical expenses in the
93 amount of \$421,693.60 and was medically retired from his federal
94 employment at the Federal Bureau of Prisons in Coleman, Florida,
95 where he was earning \$42,000 a year, and

96 WHEREAS, Donald Brown lived a full life before his accident
97 on October 18, 2004, had a zest and vigor for life, and was very
98 active in recreational, social, and sporting activities, and

99 WHEREAS, a lawsuit was brought against the District School
100 Board of Sumter County by Donald Brown, and, after a lengthy



369386

101 jury trial, the jury found the school board liable for Donald
102 Brown's injuries and awarded him damages in the amount of
103 \$2,941,240.60, and

104 WHEREAS, the Honorable Michelle T. Morley, Circuit Court
105 Judge from the Fifth Judicial Circuit in Sumter County, entered
106 a final judgment on March 2, 2009, reducing the final verdict to
107 \$2,651,375.83, plus taxable costs in the amount of \$31,674.12
108 and interest to accrue on the amount of the judgment at a rate
109 of 11 percent per annum from the date that the judgment was
110 rendered until payment, and

111 WHEREAS, the District School Board of Sumter County filed a
112 notice of appeal of the judgment on March 30, 2009, which was
113 affirmed by the Fifth District Court of Appeal on February 18,
114 2011, and

115 WHEREAS, Donald Brown is receiving continuous medical care
116 for his injuries, including two surgeries after the trial, the
117 first surgery occurring on September 16 and 17, 2009, at Orlando
118 Regional Medical Center due to a bone infection on his right
119 leg, and the second surgery occurring on August 27, 2010, at the
120 Jewish Hospital in Louisville, Kentucky, due to complications
121 with his right leg resulting in an above-the-knee amputation,
122 and

123 WHEREAS, the District School Board of Sumter County has
124 paid \$100,000 pursuant to the statutory limits of liability set
125 forth in s. 768.28, Florida Statutes, and

126 WHEREAS, the remainder of the judgment is sought through
127 the submission of a claim bill to the Legislature, NOW,
128 THEREFORE,