

By the Committee on Rules; and Senator Garcia

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

WHEREAS, on October 18, 2004, at approximately 6:45 a.m., Donald Brown was driving his Harley-Davidson motorcycle eastbound on County Road 470 and was approaching the intersection with County Road 475 in Bushnell, Florida, and

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

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

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

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

WHEREAS, upon the impact with the Sumter County school bus, Donald Brown sustained a life-changing injury, and his right

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30 lower leg was amputated instantly below the knee as his leg and
31 foot were pinned between the bumper of the bus and motorcycle,
32 and

33 WHEREAS, Donald Brown seeks to recover damages for his
34 bodily injury, including a permanent injury to the body as a
35 whole, past and future pain and suffering of both a physical and
36 mental nature, disability, physical impairment, disfigurement,
37 mental anguish, inconvenience, loss of capacity for the
38 enjoyment of life, loss of earnings, and loss of ability to lead
39 and enjoy a normal life, and

40 WHEREAS, Donald Brown was airlifted to Orlando Regional
41 Medical Center and was hospitalized from October 18, 2004, to
42 October 27, 2004, where he was taken to surgery on October 18,
43 2004, to complete a below-the-knee amputation of his right leg,
44 and

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

49 WHEREAS, Donald Brown was transferred to Shands Hospital in
50 Gainesville, Florida, for rehabilitation from November 2, 2004,
51 to November 12, 2004, and

52 WHEREAS, as a result of the injuries incurred on October
53 18, 2004, Donald Brown required the use of a prosthetic leg,
54 which resulted in ulcers requiring additional surgery on January
55 17, 2006, and

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

58 WHEREAS, Donald Brown incurred medical expenses in the

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59 amount of \$421,693.60 and was medically retired from his federal
60 employment at the Federal Bureau of Prisons in Coleman, Florida,
61 where he was earning \$42,000 a year, and

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

65 WHEREAS, a lawsuit was brought against the District School
66 Board of Sumter County by Donald Brown, and, after a lengthy
67 jury trial, the jury found the school board liable for Donald
68 Brown's injuries and awarded him damages in the amount of
69 \$2,941,240.60, and

70 WHEREAS, the Honorable Michelle T. Morley, Circuit Court
71 Judge from the Fifth Judicial Circuit in Sumter County, entered
72 a final judgment on March 2, 2009, reducing the final verdict to
73 \$2,651,375.83, plus taxable costs in the amount of \$31,674.12
74 and interest to accrue on the amount of the judgment at a rate
75 of 11 percent per annum from the date that the judgment was
76 rendered until payment, and

77 WHEREAS, the District School Board of Sumter County filed a
78 notice of appeal of the judgment on March 30, 2009, which was
79 affirmed by the Fifth District Court of Appeal on February 18,
80 2011, and

81 WHEREAS, Donald Brown is receiving continuous medical care
82 for his injuries, including two surgeries after the trial, the
83 first surgery occurring on September 16 and 17, 2009, at Orlando
84 Regional Medical Center due to a bone infection on his right
85 leg, and the second surgery occurring on August 27, 2010, at the
86 Jewish Hospital in Louisville, Kentucky, due to complications
87 with his right leg resulting in an above-the-knee amputation,

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88 and

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

92 WHEREAS, the \$2,551,375.83 judgment is sought through the
93 submission of a claim bill to the Legislature, NOW, THEREFORE,

94

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

96

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

99 Section 2. The District School Board of Sumter County is
100 authorized and directed to appropriate from funds of the school
101 board not otherwise appropriated and to draw a warrant payable
102 to Donald Brown, in the amount of \$2,551,375.83, plus the
103 taxable costs of \$31,674.12 and interest as provided in the
104 final judgment dated March 2, 2009.

105 Section 3. The compensation awarded under this act is
106 intended to provide the sole compensation for all present and
107 future claims arising out of the factual situation described in
108 this act which resulted in the injuries to Donald Brown. The
109 total amount paid for attorney's fees, lobbying fees, costs, and
110 other similar expenses relating to this claim may not exceed 25
111 percent of the amount awarded under this act.

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