

ENROLLED

CS/HB 697, Engrossed 2

2012 Legislature

1
2 An act for the relief of Donald Brown by the District
3 School Board of Sumter County; providing for an
4 appropriation to compensate Donald Brown for injuries
5 sustained as a result of the negligence of an employee
6 of the District School Board of Sumter County;
7 providing a limitation on the payment of fees and
8 costs; providing an effective date.
9

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

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

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

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

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

28 WHEREAS, upon the impact with the Sumter County school bus,

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29 | Donald Brown sustained a life-changing injury, and his right
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, expense of hospitalization, medical and
39 | nursing care and treatment, loss of earnings, loss of ability to
40 | earn money, and loss of ability to lead and enjoy a normal life,
41 | and

42 | WHEREAS, Donald Brown was airlifted to Orlando Regional
43 | Medical Center and was hospitalized from October 18, 2004, to
44 | October 27, 2004, where he was taken to surgery on October 18,
45 | 2004, to complete a below-the-knee amputation of his right leg,
46 | and

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

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

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

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57 17, 2006, and

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

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

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

67 WHEREAS, a lawsuit was brought against the District School
68 Board of Sumter County by Donald Brown, and, after a lengthy
69 jury trial, the jury found the school board liable for Donald
70 Brown's injuries and awarded him damages in the amount of
71 \$2,941,240.60, and

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

79 WHEREAS, the District School Board of Sumter County filed a
80 notice of appeal of the judgment on March 30, 2009, which was
81 affirmed by the Fifth District Court of Appeal on February 18,
82 2011, and

83 WHEREAS, Donald Brown is receiving continuous medical care
84 for his injuries, including two surgeries after the trial, the

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85 first surgery occurring on September 16 and 17, 2009, at Orlando
 86 Regional Medical Center due to a bone infection on his right
 87 leg, and the second surgery occurring on August 27, 2010, at the
 88 Jewish Hospital in Louisville, Kentucky, due to complications
 89 with his right leg resulting in an above-the-knee amputation,
 90 and

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

94 WHEREAS, the remainder of the judgment is sought through
 95 the submission of a claim bill to the Legislature, NOW,
 96 THEREFORE,

97

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

99

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

102 Section 2. The District School Board of Sumter County is
 103 authorized and directed to appropriate from funds of the school
 104 board not otherwise appropriated and from available insurance
 105 proceeds and to draw a warrant payable to Donald Brown in the
 106 amount of \$900,000. In addition, the District School Board of
 107 Sumter County is further authorized and directed to appropriate
 108 from funds of the school board not otherwise appropriated and to
 109 draw a warrant payable to Donald Brown in the sum of \$50,000 by
 110 July 1 of each year beginning in 2013 through 2022, inclusive,
 111 for a total of \$500,000. The total amount awarded under this act
 112 is \$1,400,000.

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113 Section 3. The compensation awarded under this act is
114 intended to provide the sole compensation for all present and
115 future claims arising out of the factual situation described in
116 this act which resulted in the injuries to Donald Brown. The
117 total amount paid for attorney's fees, lobbying fees, costs, and
118 other similar expenses relating to this claim may not exceed 15
119 percent of the first \$1,000,000 awarded under this act, and 10
120 percent of the remainder awarded under this act, for a total of
121 \$190,000. However, taxable costs, which may not include
122 attorney's fees and lobbying fees, related to the underlying
123 civil action may be collected in addition to the \$190,000.

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