

HB 1385

2013

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
4 appropriation to compensate Altavious Carter 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.

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

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

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

27 WHEREAS, Altavious Carter was taken by ambulance to
28 Wellington Regional Medical Center and subsequently to St.

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29 | Mary's Medical Center, where he was diagnosed and treated for
 30 | these injuries, and

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

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

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

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

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

46 |

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

48 |

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

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

56 | Section 3. The amount paid by the Palm Beach County School

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57 Board pursuant to s. 768.28, Florida Statutes, and the amount
58 awarded under this act are intended to provide the sole
59 compensation for all present and future claims arising out of
60 the factual situation described in this act which resulted in
61 injuries to Altavious Carter. The total amount paid for attorney
62 fees, lobbying fees, costs, and other similar expenses relating
63 to this claim may not exceed 25 percent of the total amount
64 awarded under this act.

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