

By Senator Soto

14-00007-14

201432\_\_

1                   A bill to be entitled  
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 that the appropriation satisfies all  
9       present and future claims related to the negligent  
10       act; providing an effective date.

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

16       WHEREAS, at approximately the same time, Patsy C. Foxworth  
17       was operating a school bus, owned by the District School Board  
18       of Sumter County, on County Road 475 in Bushnell, Florida, and

19       WHEREAS, Patsy C. Foxworth was operating and driving the  
20       school bus with the permission and consent of its owner, the  
21       District School Board of Sumter County, and

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

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

14-00007-14

201432\_\_

30 and

31 WHEREAS, Donald Brown was airlifted to Orlando Regional  
32 Medical Center and was hospitalized from October 18, 2004, to  
33 October 27, 2004, where he was taken to surgery on October 18,  
34 2004, to complete a below-the-knee amputation of his right leg,  
35 and

36 WHEREAS, Donald Brown underwent additional surgeries on  
37 October 25, 2004, and October 28, 2004, to care for the wound  
38 and to graft skin from his left thigh to cover an area of  
39 approximately 45 by 30 cm on his right leg, and

40 WHEREAS, Donald Brown was transferred to Shands Hospital in  
41 Gainesville, Florida, for rehabilitation from November 2, 2004,  
42 to November 12, 2004, and

43 WHEREAS, as a result of the injuries incurred on October  
44 18, 2004, Donald Brown required the use of a prosthetic leg,  
45 which resulted in ulcers requiring additional surgery on January  
46 17, 2006, and

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

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

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

56 WHEREAS, Donald Brown sought to recover damages for his  
57 bodily injury, including a permanent injury to the body as a  
58 whole, past and future pain and suffering of both a physical and

14-00007-14

201432\_\_

59 mental nature, disability, physical impairment, disfigurement,  
60 mental anguish, inconvenience, loss of capacity for the  
61 enjoyment of life, expense of hospitalization, medical and  
62 nursing care and treatment, loss of earnings, loss of ability to  
63 earn money, and loss of ability to lead and enjoy a normal life,  
64 and

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

69 WHEREAS, a lawsuit was brought against the District School  
70 Board of Sumter County by Donald Brown, and, after a lengthy  
71 jury trial, the jury found the school board liable for Donald  
72 Brown's injuries and awarded him damages in the amount of  
73 \$2,941,240.60, and

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

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

85 WHEREAS, Donald Brown is receiving continuous medical care  
86 for his injuries, including two surgeries after the trial, the  
87 first surgery occurring on September 16 and 17, 2009, at Orlando

14-00007-14

201432\_\_

88 Regional Medical Center due to a bone infection on his right  
89 leg, and the second surgery occurring on August 27, 2010, at the  
90 Jewish Hospital in Louisville, Kentucky, due to complications  
91 with his right leg resulting in an above-the-knee amputation,  
92 and

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

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

99

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

101

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

104 Section 2. The District School Board of Sumter County is  
105 authorized and directed to appropriate from funds of the school  
106 board not otherwise appropriated and from available insurance  
107 proceeds and to draw a warrant payable to Donald Brown in the  
108 amount of \$900,000. In addition, the District School Board of  
109 Sumter County is further authorized and directed to appropriate  
110 from funds of the school board not otherwise appropriated and to  
111 draw a warrant payable to Donald Brown in the sum of \$50,000 by  
112 July 1 of each year beginning in 2014 through 2023, inclusive,  
113 for a total of \$500,000. The total amount awarded under this act  
114 is \$1,400,000.

115 Section 3. The total amount paid for attorney fees,  
116 lobbying fees, costs, and other similar expenses relating to

14-00007-14

201432\_\_

117 this claim may not exceed 15 percent of the first \$1,000,000  
118 awarded under this act, and 10 percent of the remainder awarded  
119 under this act, for a total of \$190,000. However, taxable costs,  
120 which may not include attorney fees and lobbying fees, related  
121 to the underlying civil action may be collected in addition to  
122 the \$190,000.

123 Section 4. The compensation awarded under this act is  
124 intended to provide the sole compensation for all present and  
125 future claims arising out of the factual situation described in  
126 this act which resulted in the injuries to Donald Brown.

127 Section 5. This act shall take effect upon becoming a law.  
128