

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 Mr. Carter for injuries
5 sustained as a result of the negligence of a bus
6 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, and

14 WHEREAS, while Mr. Merriweather was stopped at a red light
15 at the intersection of Forest Hill Boulevard and Olympia
16 Boulevard in Palm Beach County, his vehicle was struck by a
17 school bus driven by an employee of the Palm Beach County School
18 District, and

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

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

27 spinal cord flattening, and

28 WHEREAS, Mr. Carter was taken by ambulance to Wellington
 29 Regional Medical Center and subsequently to St. Mary's Medical
 30 Center, where he was diagnosed and treated for these injuries,
 31 and

32 WHEREAS, Mr. Carter received a discectomy and fusion at C6-
 33 7, along with placement of a bone graft and cage, plates, and
 34 screws to fuse the spine at C6-7, and

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

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

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

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

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

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

52 Section 2. The Palm Beach County School Board is

HB 3553

2015

53 authorized and directed to appropriate from funds of the school
54 board not otherwise appropriated and to draw a warrant in the
55 sum of \$994,034.30, payable to Altavious Carter as compensation
56 for injuries and damages sustained.

57 Section 3. The amount paid by the Palm Beach County School
58 Board pursuant to s. 768.28, Florida Statutes, and the amount
59 awarded under this act are intended to provide the sole
60 compensation for all present and future claims arising out of
61 the factual situation described in this act which resulted in
62 injuries to Mr. Carter. The total amount paid for attorney fees,
63 lobbying fees, costs, and other similar expenses relating to
64 this claim may not exceed 25 percent of the total amount awarded
65 under this act.

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