

By Senator Soto

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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 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 certain payments and the
9 appropriation satisfy all present and future claims
10 related to the negligent act; providing an effective
11 date.

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

17 WHEREAS, at about the same time, Patsy C. Foxworth, an
18 employee of the District School Board of Sumter County, in the
19 regular course of her employment duties, was driving a school
20 bus owned by the school board on County Road 475 in Bushnell,
21 Florida, and

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

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

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30 WHEREAS, Donald Brown was airlifted to Orlando Regional
31 Medical Center in Orlando, Florida, where he was immediately
32 taken to surgery to complete a below-the-knee amputation of his
33 right leg, and where he underwent additional surgeries on
34 October 25 and 28, 2004, to care for the wound and to graft skin
35 from his left thigh to cover an area of about 45 by 30
36 centimeters in size on his right leg, and

37 WHEREAS, Donald Brown was transferred to UF Health Shands
38 Hospital in Gainesville, Florida, for rehabilitation from
39 November 2, 2004, to November 12, 2004, and

40 WHEREAS, as a result of the injuries incurred on October
41 18, 2004, Donald Brown required the use of a prosthetic leg
42 which caused ulcers that required additional surgery on January
43 17, 2006, and

44 WHEREAS, prior to the accident, Donald Brown lived a full
45 life, had a zest and vigor for life, and was very active in
46 recreational, social, and sporting activities, and

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

49 WHEREAS, as a result of the accident, Donald Brown incurred
50 medical expenses in the amount of \$421,693.60 and was medically
51 retired from his employment with the Federal Bureau of Prisons
52 in Coleman, Florida, where he was earning \$42,000 a year, and

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

57 WHEREAS, on May 5, 2005, Donald Brown filed suit against
58 the District School Board of Sumter County in the Fifth Judicial

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59 Circuit Court in and for Sumter County, Case No. 2005CA000584A0,
60 seeking to recover damages for bodily injury, past and future
61 pain and suffering of both a physical and mental nature,
62 disability, physical impairment, disfigurement, inconvenience,
63 loss of capacity for the enjoyment of life, expense of
64 hospitalization, medical and nursing care and treatment, loss of
65 earnings, loss of ability to earn money, and loss of ability to
66 lead and enjoy a normal life, and

67 WHEREAS, after a lengthy jury trial, the jury found the
68 school board liable for Donald Brown's injuries and awarded him
69 damages in the amount of \$2,941,240.60, and

70 WHEREAS, on March 2, 2009, the Honorable Michelle T.
71 Morley, Circuit Court Judge from the Fifth Judicial Circuit in
72 and for Sumter County, entered a final judgment reducing the
73 award of damages to \$2,651,375.83, plus taxable costs of
74 \$31,674.12 and interest to accrue on the judgment amount at a
75 rate of 11 percent per annum from the date 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, and the
79 judgment was affirmed by the Fifth District Court of Appeal on
80 February 18, 2011, and

81 WHEREAS, Donald Brown is receiving ongoing medical care for
82 his injuries, including two surgeries after the trial, the first
83 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 of the judgment pursuant to the statutory limits
91 of liability set forth in s. 768.28, Florida Statutes, and

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

95

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

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

100 Section 2. The District School Board of Sumter County is
101 authorized and directed to appropriate from funds of the school
102 board not otherwise appropriated and from available insurance
103 proceeds and to draw a warrant payable to Donald Brown in the
104 amount of \$900,000. In addition, the District School Board of
105 Sumter County is further authorized and directed to appropriate
106 from funds of the school board not otherwise appropriated and
107 draw warrants payable to Donald Brown in the amount of \$50,000
108 by July 1 of each year beginning in 2016 and continuing through
109 2025, inclusive, for a total of \$500,000. The total amount
110 awarded under this act is \$1.4 million.

111 Section 3. The total amount paid for attorney fees,
112 lobbying fees, costs, and other similar expenses relating to
113 this claim may not exceed 15 percent of the first \$1 million
114 awarded under this act, and 10 percent of the remainder awarded
115 under this act, for a total of \$190,000. However, taxable costs,
116 which may not include attorney fees and lobbying fees, related

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117 to the underlying civil action may be collected in addition to
118 the \$190,000.

119 Section 4. The amount paid by the District School Board of
120 Sumter County pursuant to s. 768.28, Florida Statutes, and the
121 amount awarded under this act are intended to provide the sole
122 compensation for all present and future claims arising out of
123 the factual situation described in this act which resulted in
124 the injuries to Donald Brown.

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