

By Senator Flores

37-00162-16

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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.

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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

37-00162-16

201650__

30 Center, where he was diagnosed and treated for the injuries he
31 sustained, 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 on April 14,
42 2010, paid the sum of \$100,000, the statutory limit under s.
43 768.28, Florida Statutes, leaving an unpaid balance of
44 \$994,034.30, and

45 WHEREAS, the remainder of the judgment is sought through
46 the submission of this claim bill to the Legislature, NOW,
47 THEREFORE,

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

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

53 Section 2. The Palm Beach County School Board is authorized
54 and directed to appropriate from funds of the school board not
55 otherwise appropriated and to draw a warrant in the sum of
56 \$994,034.30, payable to Altavious Carter as compensation for
57 injuries and damages sustained.

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

37-00162-16

201650__

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

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