

By Senator Flores

39-00026A-17

201724__

1 A bill to be entitled

2 An act for the relief of Altavious Carter by the Palm
3 Beach County School Board; providing an appropriation
4 to compensate Mr. Carter for injuries sustained as a
5 result of the negligence of a bus driver of the Palm
6 Beach County School District; providing a limitation
7 on the payment of fees and costs; providing an
8 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, a van, was struck
17 by a school bus driven by an employee of the Palm Beach County
18 School 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 the injuries he
31 sustained, and

32 WHEREAS, Mr. Carter received a discectomy and fusion at C6-

39-00026A-17

201724__

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, on August 4, 2010, an additional final cost
42 judgment in the amount of \$46,830.11 was entered in favor of Mr.
43 Carter against the Palm Beach County School Board in the same
44 matter, and

45 WHEREAS, the Palm Beach County School Board on April 14,
46 2010, paid the sum of \$100,000, the statutory limit at that time
47 under s. 768.28, Florida Statutes, leaving an unpaid balance of
48 \$1,040,864.41 in this matter, and

49 WHEREAS, the remainder of the judgments in this matter are
50 sought through the submission of this claim bill to the
51 Legislature, NOW, THEREFORE,

52
53 Be It Enacted by the Legislature of the State of Florida:

54
55 Section 1. The facts stated in the preamble to this act are
56 found and declared to be true.

57 Section 2. The Palm Beach County School Board is authorized
58 and directed to appropriate from funds of the school board not
59 otherwise appropriated and to draw a warrant in the sum of
60 \$1,040,864.41, payable to Altavious Carter as compensation for
61 injuries and damages sustained.

39-00026A-17

201724__

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

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