

By the Committee on Judiciary; and Senator Flores

590-02188A-17

201724c1

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; providing an effective date.  
8

9 WHEREAS, on December 15, 2005, 14-year-old Altavious  
10 Carter, a freshman at Summit Christian School in Palm Beach  
11 County, was a passenger in a vehicle driven by Vincent H.  
12 Merriweather, and

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

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

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

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

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30 sustained, and

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

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

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

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

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

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

51  
52 Be It Enacted by the Legislature of the State of Florida:

53  
54 Section 1. The facts stated in the preamble to this act are  
55 found and declared to be true.

56 Section 2. The Palm Beach County School Board is authorized  
57 and directed to appropriate from funds of the school board not  
58 otherwise appropriated and to draw a warrant in the sum of

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59 \$1,040,864.41, payable to Altavious Carter as compensation for  
60 injuries and damages sustained.

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

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