

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 for 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 the appropriation satisfies all
9 present and future claims related to the negligent
10 act; providing an effective date.

11
12 WHEREAS, on October 18, 2004, at approximately 6:45 a.m.,
13 Donald Brown was driving his Harley-Davidson motorcycle
14 eastbound on County Road 470 and was approaching the
15 intersection with County Road 475 in Bushnell, Florida, and

16 WHEREAS, at approximately the same time, Patsy C. Foxworth
17 was operating a school bus, owned by the District School Board
18 of Sumter County, on County Road 475 in Bushnell, Florida, and

19 WHEREAS, Patsy C. Foxworth was operating and driving the
20 school bus with the permission and consent of its owner, the
21 District School Board of Sumter County, and

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

26 WHEREAS, upon the impact with the Sumter County school bus,

27 Donald Brown sustained a life-changing injury, and his right
28 lower leg was amputated instantly below the knee as his leg and
29 foot were pinned between the bumper of the bus and motorcycle,
30 and

31 WHEREAS, Donald Brown was airlifted to Orlando Regional
32 Medical Center and was hospitalized from October 18, 2004, to
33 October 27, 2004, where he was taken to surgery on October 18,
34 2004, to complete a below-the-knee amputation of his right leg,
35 and

36 WHEREAS, Donald Brown underwent additional surgeries on
37 October 25, 2004, and October 28, 2004, to care for the wound
38 and to graft skin from his left thigh to cover an area of
39 approximately 45 by 30 cm on his right leg, and

40 WHEREAS, Donald Brown was transferred to Shands Hospital in
41 Gainesville, Florida, for rehabilitation from November 2, 2004,
42 to November 12, 2004, and

43 WHEREAS, as a result of the injuries incurred on October
44 18, 2004, Donald Brown required the use of a prosthetic leg,
45 which resulted in ulcers requiring additional surgery on January
46 17, 2006, and

47 WHEREAS, Donald Brown lived a full life before his accident
48 on October 18, 2004, had a zest and vigor for life, and was very
49 active in recreational, social, and sporting activities, and

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

52 WHEREAS, Donald Brown incurred medical expenses in the

53 amount of \$421,693.60 and was medically retired from his federal
54 employment at the Federal Bureau of Prisons in Coleman, Florida,
55 where he was earning \$42,000 a year, and

56 WHEREAS, Donald Brown sought to recover damages for his
57 bodily injury, including a permanent injury to the body as a
58 whole, past and future pain and suffering of both a physical and
59 mental nature, disability, physical impairment, disfigurement,
60 mental anguish, inconvenience, loss of capacity for the
61 enjoyment of life, expense of hospitalization, medical and
62 nursing care and treatment, loss of earnings, loss of ability to
63 earn money, and loss of ability to lead and enjoy a normal life,
64 and

65 WHEREAS, the District School Board of Sumter County is
66 vicariously liable for the negligence of Patsy C. Foxworth under
67 the doctrine of respondeat superior, s. 768.28(9)(a), Florida
68 Statutes, and

69 WHEREAS, a lawsuit was brought against the District School
70 Board of Sumter County by Donald Brown, and, after a lengthy
71 jury trial, the jury found the school board liable for Donald
72 Brown's injuries and awarded him damages in the amount of
73 \$2,941,240.60, and

74 WHEREAS, the Honorable Michelle T. Morley, Circuit Court
75 Judge from the Fifth Judicial Circuit in Sumter County, entered
76 a final judgment on March 2, 2009, reducing the final verdict to
77 \$2,651,375.83, plus taxable costs in the amount of \$31,674.12
78 and interest to accrue on the amount of the judgment at a rate

79 of 11 percent per annum from the date that the judgment was
 80 rendered until payment, and

81 WHEREAS, the District School Board of Sumter County filed a
 82 notice of appeal of the judgment on March 30, 2009, and the
 83 judgment was affirmed by the Fifth District Court of Appeal on
 84 February 18, 2011, and

85 WHEREAS, Donald Brown is receiving continuous medical care
 86 for his injuries, including two surgeries after the trial, the
 87 first surgery occurring on September 16 and 17, 2009, at Orlando
 88 Regional Medical Center due to a bone infection on his right
 89 leg, and the second surgery occurring on August 27, 2010, at the
 90 Jewish Hospital in Louisville, Kentucky, due to complications
 91 with his right leg resulting in an above-the-knee amputation,
 92 and

93 WHEREAS, the District School Board of Sumter County has
 94 paid \$100,000 of the judgment pursuant to the statutory limits
 95 of liability set forth in s. 768.28, Florida Statutes, and

96 WHEREAS, the remainder of the judgment is sought through
 97 the submission of a claim bill to the Legislature, NOW,
 98 THEREFORE,

99

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

101

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

104 Section 2. The District School Board of Sumter County is

105 authorized and directed to appropriate from funds of the school
106 board not otherwise appropriated and from available insurance
107 proceeds and to draw a warrant payable to Donald Brown in the
108 amount of \$900,000. In addition, the District School Board of
109 Sumter County is further authorized and directed to appropriate
110 from funds of the school board not otherwise appropriated and to
111 draw a warrant payable to Donald Brown in the sum of \$50,000 by
112 July 1 of each year beginning in 2014 through 2023, inclusive,
113 for a total of \$500,000. The total amount awarded under this act
114 is \$1,400,000.

115 Section 3. The total amount paid for attorney fees,
116 lobbying fees, costs, and other similar expenses relating to
117 this claim may not exceed 15 percent of the first \$1,000,000
118 awarded under this act, and 10 percent of the remainder awarded
119 under this act, for a total of \$190,000. However, taxable costs,
120 which may not include attorney fees and lobbying fees, related
121 to the underlying civil action may be collected in addition to
122 the \$190,000.

123 Section 4. The compensation awarded under this act is
124 intended to provide the sole compensation for all present and
125 future claims arising out of the factual situation described in
126 this act which resulted in the injuries to Donald Brown.

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