

STORAGE NAME: h0377.ju  
DATE: March 13, 2003

Florida House of Representatives  
Subcommittee on Claims  
Summary Claim Bill Report

Bill #: HB 377  
Sponsor: Rep. Mayfield  
Companion Bill: SB 42 by Sen. Posey  
Special Master: Stephanie Birtman, Esq.

**A. Basic Information:**

1. **Claimants:** Taylor Rosemond, by and through her parents, Alvin & Shirley Rosemond.
2. **Respondent:** Indian River County School Board
3. **Amount Requested:** Total settlement of \$60,000, inclusive of attorney's fees and costs.
4. **Type of Claim:** Settlement agreement.
5. **Respondent's Position:** Admitted liability; does not oppose settlement.
6. **Collateral Sources:** There is an existing hospital lien from the Orlando Regional Health Care System of \$15,636.
7. **Prior Legislative History:** None.
8. **Attorney's Fees and Costs:** Attorney's fees are limited to 25% of the recovery pursuant to s.768.28, F.S. Costs total \$5,037.20, plus \$3,600. for lobbying fees.

**B. Procedural Summary:** Alvin and Shirley Rosemond, as parents and natural guardians of Taylor Rosemond, filed suit against the Indian River County School Board for bodily injuries, pain and suffering, disability, disfigurement, mental anguish, loss of capacity, and past, permanent, and continuing medical expenses associated with the injuries. The School Board conceded liability; thereafter the parties entered into a settlement agreement (prior to trial) wherein the School Board agreed to pay a total of \$60,000, inclusive of attorney's fees and costs. The settlement agreement was approved by the court, which ordered that payments be made directly into a restricted guardianship account.

**Facts of Case:** On January 25, 1999, Taylor Rosemond was a passenger on an Indian River County School bus traveling west bound on 45<sup>th</sup> Street, approaching 66<sup>th</sup> Avenue. At the same time, a 1996 tractor-trailer was traveling southbound on 66<sup>th</sup> Avenue, approaching the intersection. The bus driver failed to stop at the stop sign and collided with the tractor-trailer, killing the tractor-trailer driver (see Smith/Hughes/Truitt claim bill) and injuring 14 other children, one of whom died (see 2002-320, LOF, Dixon claim). Taylor Rosemond suffered a lacerated kidney and bruised liver. She was airlifted without

her parents to Arnold Palmer Children's Hospital in Orlando, where she was treated for 5 days. Past medical expenses exceed \$25,000.

SM: \_\_\_\_\_  
Stephanie O. Birtman

Date: \_\_\_\_\_