

STORAGE NAME: h0833.ju
DATE: March 4, 2004

Florida House of Representatives
Subcommittee on Claims
Summary Claim Bill Report

Bill #: HB 833
Sponsor: Rep. Mayfield
Companion Bill: SB 18 by Sen. Posey
Special Master: Stephanie Birtman, Esq.

A. Basic Information:

1. **Claimants:** Amanda Johnson, by and through her parents, Virginia and Charles Johnson
2. **Respondent:** Indian River County School Board
3. **Amount Requested:** Total settlement of \$287,500, inclusive of attorney's fees and costs. To be paid in 4 equal annual installments.
4. **Type of Claim:** Settlement agreement.
5. **Respondent's Position:** Admitted liability; does not oppose settlement.
6. **Collateral Sources:** There is a health care lien of \$19,789.02; claimant received \$30,365.25 from a school board insurance policy, and \$12,000 from her parent's PIP carrier. A lien is anticipated for Amanda's most recent surgery, which was covered by her parent's new health insurance, Neighborhood Health. The total charges for that surgery were \$13, 232.
7. **Prior Legislative History:** HB 379 (2003) by Rep. Mayfield, passed all committees of reference and died on the House calendar. The Senate companion (SB 38 by Sen. Pruitt) passed the full Senate and died in Messages. The parties were given the opportunity to update the record in anticipation of legislative consideration in 2004. This report reflects the updated information.
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 \$22,070.78, of which \$17,250 is attributable to lobbying fees. Costs and fees are included in the award.

B. Procedural Summary: Virginia and Charles Johnson, 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; subsequent to court-ordered mediation, the parties entered into a settlement agreement (prior to trial) wherein the School Board agreed to pay a total of \$287,500, inclusive of attorney's fees and costs,

payable in 4 equal annual installments. 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, Amanda Johnson was a passenger on an Indian River County School bus traveling west bound on 45th Street, approaching 66th Avenue. At the same time, a 1996 tractor-trailer was traveling southbound on 66th 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). Amanda Johnson suffered a serious fracture of her left femur, which required 2 surgeries and increasing leg length discrepancy. Amanda was hospitalized for a total of 19 days and her past medical expenses totaled \$88,000. Future medical expenses are estimated to exceed \$40,000 for long-term orthopedic care and surgery to address the leg length discrepancy.

SM: _____
Stephanie O. Birtman

Date: _____