

STORAGE NAME: h0835.ju
DATE: March 4, 2004

Florida House of Representatives
Subcommittee on Claims
Summary Claim Bill Report

Bill #: HB 835
Sponsor: Rep. Mayfield
Companion Bill: SB 16 by Sen. Posey
Special Master: Stephanie Birtman, Esq.

A. Basic Information

1. **Claimants:** Debra Smith, Pamela Hughes, Michael Truitt, and Charles Hughes as adult children of Sammie Hughes
2. **Respondent:** Indian River County School Board
3. **Amount Requested:** Total settlement of \$300,000 payable over three years
4. **Type of Claim:** Settlement agreement.
5. **Respondent's Position:** Admitted liability; does not oppose settlement.
6. **Legislative History:**

Bill History – 2003 Session: The claim was introduced by Senator Pruitt as SB 18 (2003). SB 18 was then referred to the Education Committee and the Committee on Finance and Taxation. The bill passed the full Senate, but died in messages on May 2, 2003.

The House companion, HB 375, was introduced by Representative Mayfield and was referred to the Committee on Claims and the Judiciary Committee. The bill passed favorably out of all House committees, but died on Calendar on May 2, 2003.

Supplemental Information: Both sides of this dispute have been given the opportunity to provide further supplemental information and argument supporting or opposing the 2004 version of this claim. No material changes or information have been provided.
7. **Collateral Sources:** The claimant's received a total of \$5000 from two insurance companies as required death benefits under Florida's No-Fault law.
8. **Attorney's Fees & Costs:** Attorney's fees are limited to 25% of the recovery, pursuant to s.768.28, F.S. Costs total \$23,895.21, of which \$21,000 are attributable to lobbying fees.

B. Procedural Summary: The four adult children of Sammie Hughes filed a wrongful death suit against the Indian River School Board (there was no surviving spouse.) The School Board conceded liability; the jury proceeded on damages only and awarded a total of \$325,000 plus costs of \$530.72. The jury apportioned the award in equal shares of 23% each, except for Charles Hughes, who was awarded 31%. After the trial the parties reached a settlement agreement that calls for the payment of \$300,000 over three years with 50% being paid the first year and 25% being paid each year for the following two years. The amounts will be budgeted from the school district's general operating fund on an annual basis.

Facts of Case: On January 25, 1999, an Indian River County School bus was traveling west bound on 45th Street, approaching 66th Avenue. At the same time, a 1996 tractor-trailer being driven by Sammie Hughes 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 Mr. Hughes and injuring 14 other children, one of whom died (see 2002-320, LOF, Dixon claim). Mr. Hughes was 63 at the time of the accident, and a part-time driver for the trucking company. He leaves behind four adult children, Debra Smith, Michael Truitt, Charles Hughes, and Pamela Hughes, all of whom had regular and positive relations with their father and have experienced significant pain and suffering due to his death.

SM: _____
Stephanie O. Birtman

Date: _____