

HB 3537

2016

1                   A bill to be entitled  
2           An act for the relief of Altavious Carter by the Palm  
3           Beach County School Board; providing for an  
4           appropriation to compensate Mr. Carter for injuries  
5           sustained as a result of the negligence of a bus  
6           driver of the Palm Beach County School District;  
7           providing a limitation on the payment of fees and  
8           costs; providing an effective date.  
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10           WHEREAS, on December 15, 2005, 14-year-old Altavious  
11           Carter, a freshman at Summit Christian School in Palm Beach  
12           County, was a passenger in a vehicle driven by Vincent H.  
13           Merriweather, and

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

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

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

27 spinal cord flattening, and

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

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

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

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

41 WHEREAS, the Palm Beach County School Board on April 14,  
 42 2010, paid the sum of \$100,000, the statutory limit under s.  
 43 768.28, Florida Statutes, leaving an unpaid balance of  
 44 \$994,034.30, and

45 WHEREAS, the remainder of the judgment is sought through  
 46 the submission of this claim bill to the Legislature, NOW,  
 47 THEREFORE,

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

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

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53           Section 2. The Palm Beach County School Board is  
54 authorized and directed to appropriate from funds of the school  
55 board not otherwise appropriated and to draw a warrant in the  
56 sum of \$994,034.30, payable to Altavious Carter as compensation  
57 for injuries and damages sustained.

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

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