

Committee Substitute for Senate Bill No. 46

An act relating to Indian River County; providing for the relief of Sharon Dixon and Victor Dixon, Sr.; authorizing and directing the School Board of Indian River County to compensate them for the wrongful death of their minor child, Victor Dixon, Jr., due to the negligence of an employee of the school board; providing an effective date.

WHEREAS, on January 25, 1999, Victor Dixon, Jr., a minor, was a passenger on a school bus owned by the School Board of Indian River County, and

WHEREAS, the school bus was being operated by an individual who was acting in the course and scope of her employment as a bus driver for the School Board of Indian River County, and

WHEREAS, at the intersection of 66th Avenue and 45th Street in Vero Beach, Indian River County, Florida, the school-bus driver ran a stop sign and collided with a tractor-trailer truck, causing the bus to overturn, and

WHEREAS, as a result of the collision, Victor Dixon, Jr., sustained injuries that resulted in his death, and

WHEREAS, a court found the School Board of Indian River County vicariously liable for the negligence on the part of its employee, and

WHEREAS, during the trial relating to this matter, the defendant, the School Board of Indian River County, admitted that the negligence of its employee in running the stop sign was the sole cause of the accident that caused the death of Victor Dixon, Jr., and

WHEREAS, on July 20, 2000, a jury verdict was returned, and, on September 14, 2000, a final judgment was entered, in the amount of \$1,500,000 on behalf of Sharon Dixon and \$1,000,000 on behalf of Victor Dixon, Sr., for the wrongful death of their 8-year-old son and only child, Victor Dixon, Jr., and

WHEREAS, on November 22, 2000, a writ of execution in the amount of \$275,606.10 was levied against the Indian River County School Board, and that amount has been paid by the school board, and

WHEREAS, that payment represented the amount owed under section 768.28, Florida Statutes, relating to waiver of sovereign immunity, and

WHEREAS, on April 19, 2001, a settlement agreement was reached between the Indian River County School Board and Sharon Dixon and Victor Dixon, Sr., at an open and public school board meeting in the amount of \$1,500,000, less \$275,606.10 which has already been paid, and

WHEREAS, at this time, claimants are seeking a claim bill in the amount of \$1,224,393.90 to be paid over a 3-year period with no interest due, with 40 percent of the claim to be paid in 2002, 30 percent to be paid in 2003, and 30 percent to be paid in 2004, which represents the balance owed on the amount awarded in the final judgment, NOW, THEREFORE,

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

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

Section 2. The School Board of Indian River County is authorized and directed to compensate Sharon Dixon and Victor Dixon, Sr., for the wrongful death of their minor child, Victor Dixon, Jr., in the amount of \$1,224,393.90, which amount includes statutory attorney's fees and costs and which shall be paid in three installments with no interest due, with \$489,757.56 to be paid in 2002, \$367,318.17 to be paid in 2003, and \$367,318.17 to be paid in 2004, out of funds of the School Board of Indian River County not otherwise appropriated. Sharon Dixon shall receive 60 percent, \$734,636.34, and Victor Dixon, Sr., shall receive 40 percent, \$489,757.56, of the claim bill amount of \$1,224,393.90. Each year of the 3-year installment shall be paid on the basis of Sharon Dixon receiving 60 percent and Victor Dixon, Sr., receiving 40 percent.

Section 3. This act shall take effect upon becoming a law.

Approved by the Governor May 30, 2002.

Filed in Office Secretary of State May 30, 2002.