

House Bill No. 303

An act relating to Miami-Dade County; providing for the relief of Jonathan Snell, a minor, and Erika Snell, a minor, by and through their mother and natural guardian, Latisha Snell; providing for an appropriation to compensate them for injuries and damages sustained as a result of the negligence of Miami-Dade County; providing for the use of such funds; providing for payment of costs, attorneys' fees, and outstanding medical bills; providing for repayment of Medicaid liens; providing an effective date.

WHEREAS, on May 26, 1998, 20-month-old Jonathan Snell and his sister, Erika Snell, age 3, were both run over by a Miami-Dade County bus, causing severe injuries to their lower extremities, and

WHEREAS, while the children were positioned on a grassy median off the roadway, the bus, upon making a right-hand turn too sharply, jumped the curb with its rear wheels and ran over the children, and

WHEREAS, the incident, which occurred at the intersection of Northwest 14th Avenue and 183rd Street in Miami-Dade County, Florida, was witnessed by several independent persons and responsibility for the negligence of the bus operator was not contested, and

WHEREAS, multiple surgical procedures were performed on both children at Jackson Memorial Hospital by a skilled orthopedic surgeon, Steven Stricker, M.D., and each child has been left with permanent impairment and scarring, and

WHEREAS, a lawsuit for damages was brought against Miami-Dade County by and through the children's mother and guardian, Latisha Snell, and after extensive discovery just prior to trial, the case was settled during a second mediation in exchange for Miami-Dade County's support of a claim bill, and

WHEREAS, Miami-Dade County agreed to the entry of a final judgment for Jonathan Snell in the amount of \$400,000 and for Erika Snell in the amount of \$137,000, and the county has partially satisfied the final judgment by paying \$100,000 for the benefit of each child in accordance with the limits established under s. 768.28, Florida Statutes, 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 Miami-Dade County Commission is authorized and directed to appropriate from funds of the county not otherwise appropriated and to draw a warrant in the sum of \$300,000 payable to Latisha Snell, as guardian of Jonathan Snell, as compensation for injuries and damages sustained by Jonathan Snell, minor child of Latisha Snell, due to the negligence of Miami-Dade County.

Section 3. The Miami-Dade County Commission is authorized and directed to appropriate from funds of the county not otherwise appropriated and to draw a warrant in the sum of \$37,000 payable to Latisha Snell, as guardian of Erika Snell, as compensation for injuries and damages sustained by Erika Snell, minor child of Latisha Snell, due to the negligence of Miami-Dade County.

Section 4. The governmental entity responsible for payment of the warrant shall pay to the Florida Agency for Health Care Administration the amount due under section 409.910, Florida Statutes, prior to disbursing any funds to the claimant. The amount due the agency shall be equal to all unreimbursed medical payments paid by Medicaid up to the date upon which this bill becomes a law.

Section 5. After payment of attorneys' fees, costs, liens, and medical bills, the balance of the moneys appropriated shall be used to purchase an annuity for each child. Each child shall be eligible to receive periodic payments from his or her annuity upon reaching the age of majority.

Section 6. This act shall take effect upon becoming a law.

Approved by the Governor June 26, 2003.

Filed in Office Secretary of State June 26, 2003.