

## House Bill No. 1249

An act relating to Indian River County; providing for the relief of Clay Haywood, a minor, and Tatiana Haywood, a minor, by and through their mother and natural guardian, Michelle O'Halloran; providing for an appropriation to compensate them for injuries and damages caused by the negligence of the Indian River County School Board; providing for the use of such funds; providing an effective date.

WHEREAS, on January 25, 1999, Clay Haywood and Tatiana Haywood were passengers in a school bus owned by the Indian River County School Board and operated by an employee of the school board when the school bus failed to stop for a stop sign at the intersection of 45th Street and 66th Avenue in Vero Beach and collided with a tractor-trailer truck, and

WHEREAS, as a result of the collision, 11-year-old Clay Haywood sustained numerous severe traumatic injuries requiring multiple surgeries and was unable to attend school or engage in any normal daily activities for many months, and

WHEREAS, as a result of the injuries he suffered in the collision, Clay Haywood has incurred medical expenses totaling \$88,867.47 and will incur medical expenses in the future, including \$3,300 in dental expenses, and

WHEREAS, as a result of the collision, 9-year-old Tatiana Haywood sustained multiple facial lacerations, multiple extremity lacerations, and multiple contusions about the body which will require revision surgery when she has completed the majority of her growth, and

WHEREAS, as a result of the injuries she suffered in the collision, Tatiana Haywood has been left with permanent scarring, has incurred medical expenses totaling \$3,225.75, and will incur medical expenses in the future, and

WHEREAS, the Indian River County School Board admitted liability for the collision and has agreed to a court-ordered mediation settlement of all claims of Clay Haywood and Tatiana Haywood in the amount of \$225,000, payable by the school board in three annual installments of \$75,000, 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 Indian River County School Board is authorized and directed to appropriate from funds of the school board not otherwise appropriated and to draw three annual warrants in the amount of \$75,000 each, for a total settlement of \$225,000, payable after July 1, 2003, to Michelle O'Halloran, as plenary guardian of Clay Haywood, a minor, and Tatiana Haywood, a minor, as compensation for injuries and damages sustained due to the negligence of Indian River County. The three annual installments shall be paid as follows:

(1) Twenty-five thousand dollars of the first installment for the benefit of Tatiana Haywood, minor child of Michelle O'Halloran, plenary guardian of Tatiana Haywood, to be placed in a restricted guardianship account for the exclusive use and benefit of Tatiana Haywood; and

(2) The remaining \$50,000 of the first installment and the entirety of the last two installments for the benefit of Clay Haywood, minor child of Michelle O'Halloran, plenary guardian of Clay Haywood, to be placed in a restricted guardianship account for the exclusive use and benefit of Clay Haywood.

The amount appropriated pursuant to this section is inclusive of costs and attorney's fees as limited by s. 768.28(8), Florida Statutes.

Section 3. 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.