

## Committee Substitute for Senate Bill No. 74

An act for the relief of the estate of Brooke Ingoldsby, deceased minor child of Michelle Allen, and Michelle Allen, parent and natural guardian of Brooke Ingoldsby, individually, by the Pinellas County School Board; providing for an appropriation to compensate the estate of Brooke Ingoldsby, and Michelle Allen, individually, for the wrongful death of Brooke Ingoldsby, which was due in part to the negligent failure of a county school bus driver to secure the safety of children who exit the school bus; providing for limitation on attorney's fees and lobbying fees; providing an effective date.

WHEREAS, on February 11, 2005, Brooke Ingoldsby, an 8-year-old third grader at James B. Sanderlin Elementary School, was being transported home on a school bus of the Pinellas County School Board which was driven by an inadequately trained substitute bus driver employed by the school board, and

WHEREAS, rather than depositing Brooke Ingoldsby, who was the last student on the bus, at her appointed bus stop where her grandmother was waiting for her, the substitute bus driver dropped Brooke Ingoldsby off on the corner of 90th Avenue and the east side of 9th Street North, an extremely busy thoroughfare in St. Petersburg, Pinellas County, Florida, and

WHEREAS, when the substitute bus driver dropped off Brooke Ingoldsby, he did not turn on the bus's flashing lights or display its stop sign, and

WHEREAS, as Brooke Ingoldsby attempted to cross 9th Street North, another school bus of the Pinellas County School Board, which was also operated by an employee of the school board, was northbound on 9th Street North, and

WHEREAS, as that school bus was slowing to a stop at the intersection of 90th Avenue and 9th Street North, the driver did not turn on the red flashing lights or extend the stop sign on the side of the bus even though the driver saw southbound traffic approaching the intersection as Brooke Ingoldsby started to cross 9th Street North, and

WHEREAS, Brooke Ingoldsby was subsequently struck by a southbound sports utility vehicle in the west-most southbound lane of 9th Street North and was pronounced dead 3 hours later at Bayfront Medical Center, and

WHEREAS, Brooke Ingoldsby suffered multisystem trauma, head injury, bilateral closed femur injury, a closed right humerus fracture, and a severe abrasion to her right waistline, and

WHEREAS, it was later determined that the substitute bus driver was uncertain where to allow Brooke Ingoldsby to exit the school bus and was given an incomplete drop-off schedule, and

WHEREAS, before this accident, Brooke Ingoldsby's mother, Michelle Allen, had made numerous complaints to the Pinellas County School Board

regarding the lack of safety of the children in the school district's transportation system, and

WHEREAS, the Pinellas County School Board admitted liability for Brooke Ingoldsby's death and agreed to pay the total sum of \$2.5 million for the damages and losses sustained by the estate of Brooke Ingoldsby and for the losses suffered by Brooke Ingoldsby's mother, Michelle Allen, and

WHEREAS, judgment was entered in the amount of \$2.5 million, including \$200,000 in damages and losses sustained by the estate of Brooke Ingoldsby and \$2.3 million for the losses suffered by Brooke Ingoldsby's mother, Michelle Allen, and

WHEREAS, the school district has paid \$100,000 to the estate and \$100,000 for the losses suffered by Michelle Allen, thus exhausting the limits of the waiver of sovereign immunity, and

WHEREAS, the school district maintained a liability policy of \$1 million, which was paid to Michelle Allen, and

WHEREAS, the remaining sums owed under the judgment include \$100,000, which is owed to the estate, and \$1.2 million, which is owed to Michelle Allen, 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 Pinellas County School Board is authorized and directed to appropriate from funds of the school board not otherwise encumbered and to draw a warrant payable to the estate of Brooke Ingoldsby, decedent minor, for the total amount of \$100,000 as compensation to the estate of Brooke Ingoldsby for the wrongful death of Brooke Ingoldsby as a result of the negligence of the Pinellas County School Board.

Section 3. The Pinellas County School Board is authorized and directed to appropriate from funds of the school board not otherwise encumbered and to draw a warrant payable to Michelle Allen, parent and natural guardian of Brooke Ingoldsby, her deceased minor child, for the total amount of \$1.2 million for the wrongful death of her daughter, Brooke Ingoldsby, as a result of the negligence of the Pinellas County School Board.

Section 4. Payment for attorney's fees and costs incurred by the claimant's attorneys shall not exceed \$280,237. Payment for the professional services and costs of lobbyists advocating for passage of this claim shall not exceed \$13,000.

Section 5. This act shall take effect upon becoming a law.

Approved by the Governor May 22, 2007.

Filed in Office Secretary of State May 22, 2007.