

Committee Substitute for Senate Bill No. 522

An act for the relief of Vincent Merriweather by the Palm Beach County School Board; providing for an appropriation to compensate Vincent Merriweather for injuries sustained as a result of the negligence of a bus driver of the Palm Beach County School District; providing a limitation on the payment of fees and costs; providing an effective date.

WHEREAS, on December 15, 2005, 41-year-old Vincent H. Merriweather, a professional firefighter for Palm Beach County, was struck by a school bus driven by an employee of the Palm Beach County School District while Mr. Merriweather was stopped at a red light at the intersection of Forest Hill Boulevard and Olympia Boulevard in Palm Beach County, and

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

WHEREAS, as a result of the crash, Vincent Merriweather, who was wearing a seatbelt, was ejected backward and suffered spinal cord contusions at C3 and C6-7, a disc disruption at C6-7 with bone fragment injury at C6-7, encroachment of bone into the spinal canal at C6 and C7, soft tissue edema consistent with disruption of the posterior longitudinal ligament, and ligamentum nuchae at C6-7, and

WHEREAS, Vincent Merriweather was admitted to the intensive care unit at St. Mary's Medical Center and was treated for weakness in both arms, mild lower leg weakness consistent with quadraparesis, left unilateral facet fracture, and ligamentous injuries to the posterior longitude ligament, and

WHEREAS, as a result of his injuries, Vincent Merriweather suffers gait dysfunction, a decrease in sexual function, bilateral spasticity in his legs, and is very susceptible to falling; his fine motor movements are impaired bilaterally and he suffers from sensory loss from C4 down; there is decreased sensory sensation at C5-6 bilaterally; and Vincent Merriweather cannot do heavy lifting, suffers from constipation, and has intermittent problems emptying his bladder, and

WHEREAS, Vincent Merriweather is unemployable, limited in his movements, unsteady in his gait, and 80 to 85 percent totally disabled, and

WHEREAS, the Palm Beach County School Board admitted liability in the lawsuit that was filed in this case, tendered payment of \$100,000 to Vincent Merriweather, in accordance with the statutory limits of liability set forth in s. 768.28, Florida Statutes, and unanimously passed a resolution to pay a claim bill in favor of Vincent Merriweather in the amount of \$3.9 million, 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 Palm Beach County School Board is directed and authorized to appropriate from funds of the school board not otherwise encumbered and draw warrants in the amount of \$1 million each fiscal year beginning in 2009-2010 through 2011-2012, inclusive, and \$900,000 in the 2012-2013 fiscal year, payable to Vincent Merriweather, as compensation for his injuries and damages.

Section 3. The amount awarded in this act is intended to provide the sole compensation for all present and future claims against the Palm Beach County School Board arising out of the factual situation described in this act which resulted in injuries to Vincent Merriweather. The total amount paid for attorney's fees, lobbying fees, costs, and other similar expenses relating to this claim may not exceed 25 percent of the total amount awarded under this act.

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

Approved by the Governor June 1, 2009.

Filed in Office Secretary of State June 1, 2009.