

1                   A bill to be entitled  
2           An act for the relief of Carl Abbott by the Palm Beach  
3           County School Board; providing for an appropriation to  
4           compensate Carl Abbott for injuries sustained as a  
5           result of the negligence of an employee of the Palm  
6           Beach County School District; providing a limitation  
7           on the payment of fees and costs; providing an  
8           effective date.

9  
10           WHEREAS, on June 30, 2008, 67-year-old Carl Abbott was  
11           struck by a school bus driven by an employee of the Palm Beach  
12           County School District while Mr. Abbott was crossing the street  
13           in a designated crosswalk at the intersection of South Anchorage  
14           Drive and U.S. 1 in Palm Beach County, and

15           WHEREAS, as a result of the accident, Carl Abbott suffered  
16           a closed head injury, traumatic brain injury, subdural hematoma,  
17           and subarachnoid hemorrhage, and

18           WHEREAS, as a result of his injuries, Carl Abbott had to  
19           reside in a nursing home, suffered from loss of cognitive  
20           function, right-sided paralysis, immobility, urinary  
21           incontinence, bowel incontinence, delirium, and an inability to  
22           speak, and had to obtain nutrition through a feeding tube, and

23           WHEREAS, the Palm Beach County School Board unanimously  
24           passed a resolution in support of settling the lawsuit that was  
25           filed in this case, tendered payment of \$100,000 to Carl Abbott  
26           in accordance with the statutory limits of liability set forth

27 | in s. 768.28, Florida Statutes, and does not oppose the passage  
 28 | of this claim bill in favor of Carl Abbott in the amount of \$1.9  
 29 | million, as structured, and

30 |         WHEREAS, Carl Abbott passed away in June 2014, NOW,  
 31 |         THEREFORE,

32 |  
 33 | Be It Enacted by the Legislature of the State of Florida:

34 |  
 35 |         Section 1. The facts stated in the preamble to this act  
 36 | are found and declared to be true.

37 |         Section 2. The Palm Beach County School Board is  
 38 | authorized and directed to appropriate from funds of the school  
 39 | board not otherwise appropriated and to draw warrants in the  
 40 | amount of \$211,111.11 each fiscal year beginning in 2015 through  
 41 | 2022, inclusive, and \$211,111.12 in the 2023-2024 fiscal year  
 42 | for a total of \$1.9 million, payable to David Abbott, as  
 43 | guardian of Carl Abbott, as compensation for injuries and  
 44 | damages sustained as a result of the negligence of an employee  
 45 | of the Palm Beach County School District. The payments were  
 46 | scheduled to cease upon the death of Carl Abbott if he died  
 47 | before the last payment was made. However, David Abbott, as  
 48 | guardian of Carl Abbott, is guaranteed a total payment amount of  
 49 | \$633,333.33 since Carl Abbott died before or within 3 years  
 50 | after the effective date of this act. This amount represents  
 51 | three annual payments and shall be payable on the annual due  
 52 | dates.

53           Section 3. The amount paid by the Palm Beach County School  
54 Board pursuant to s. 768.28, Florida Statutes, and the amount  
55 awarded under this act are intended to provide the sole  
56 compensation for all present and future claims against the Palm  
57 Beach County School District arising out of the factual  
58 situation that resulted in the injuries to Carl Abbott as  
59 described in the preamble to this act. The total amount paid for  
60 attorney fees, lobbying fees, costs, and other similar expenses  
61 relating to this claim may not exceed 25 percent of the total  
62 amount awarded under this act.

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