

By the Committee on Judiciary; and Senator Abruzzo

590-02349-16

201658c1

1                   A bill to be entitled  
2           An act for the relief of Q.B. by the Palm Beach County  
3           School Board; providing for an appropriation to  
4           compensate Q.B. for injuries sustained as a result of  
5           the negligence of employees of the Palm Beach County  
6           School District; providing a limitation on the payment  
7           of fees and costs; providing that the appropriation  
8           settles all present and future claims related to the  
9           negligent act; providing an effective date.

10  
11           WHEREAS, in January 2007, Q.B. was a 3-year-old exceptional  
12           student education (ESE) student at Glade View Elementary School  
13           in the Palm Beach County School District, and

14           WHEREAS, at that time, Q.B.'s speech and language  
15           capabilities were developmentally delayed and Q.B. had virtually  
16           no capacity for speech, and

17           WHEREAS, on January 16, 2007, a school bus owned by the  
18           Palm Beach County School District was being driven by a bus  
19           driver employed by the district with a bus aide, also employed  
20           by the district, riding as a passenger, to transport Q.B. to her  
21           home from Glade View Elementary School, and

22           WHEREAS, at the same time, a 15-year-old male high school  
23           student who had emotional and behavioral disabilities and who  
24           was considered severely emotionally disturbed by the Palm Beach  
25           County School District, was also a passenger on the school bus,  
26           and

27           WHEREAS, the 15-year-old male high school student left his  
28           assigned bus seat, approached Q.B., and proceeded to sexually  
29           assault Q.B. for approximately 15 minutes before the sexual  
30           assault was discovered and stopped by the bus aide, and

31           WHEREAS, neither the bus driver or the bus aide made any  
32           effort to require the 15-year-old male high school student to

590-02349-16

201658c1

33 return to his assigned seat in the wake of the sexual assault,  
34 but allowed him to remain sitting next to Q.B. for the remainder  
35 of the bus ride, and

36 WHEREAS, the duties of the bus driver and the bus aide  
37 included supervising the students on the bus, ensuring that all  
38 students were in compliance with bus safety rules, and ensuring  
39 the safety of all students on the bus, and

40 WHEREAS, the bus driver and the bus aide failed to properly  
41 supervise the 15-year-old male high school student, failed to  
42 properly supervise Q.B., failed to ensure the safety of Q.B.,  
43 and, as a direct result of the breach of such duties, the 15-  
44 year-old male high school student was able to sexually assault  
45 Q.B., and

46 WHEREAS, the sexual assault was captured on video by a  
47 camera installed on the school bus, and the sexual assault  
48 resulted in physical, emotional, and psychological trauma to  
49 Q.B. and further diminished the quality of her life, and

50 WHEREAS, the Palm Beach County School Board is vicariously  
51 liable for the negligence of the bus driver and the bus aide  
52 under the doctrine of respondeat superior, s. 768.28(9)(a),  
53 Florida Statutes, and,

54 WHEREAS, on January 6, 2010, the parents of Q.B. filed a  
55 negligence action against the Palm Beach County School Board in  
56 Palm Beach County Circuit Court, styled *T.B. and S.W., as  
57 Parents and Natural Guardians of Q.B., a minor, Plaintiff v. The  
58 School Board of Palm Beach County, Defendant*, Case No.  
59 502010CA000194MBAA, to recover damages for the injuries  
60 sustained by Q.B. due to the sexual assault, and

61 WHEREAS, 6 years after the sexual assault and 2 weeks

590-02349-16

201658c1

62 before the commencement of trial, the Palm Beach County School  
63 Board admitted liability for negligence and the case proceeded  
64 to trial only on the issue of damages, and

65 WHEREAS, on February 6, 2013, the jury returned a verdict  
66 of \$1.8 million to compensate Q.B. for her injuries and provide  
67 for her future care and treatment, and

68 WHEREAS, the Palm Beach County School Board has paid  
69 \$100,000 of the judgment pursuant to the statutory limits of  
70 liability under s. 768.28, Florida Statutes, and

71 WHEREAS, the parties have agreed to a settlement in the  
72 amount of \$600,000, which was approved on December 16, 2016, by  
73 the Palm Beach County School Board, NOW, THEREFORE,

74  
75 Be It Enacted by the Legislature of the State of Florida:

76  
77 Section 1. The facts stated in the preamble to this act are  
78 found and declared to be true.

79 Section 2. The Palm Beach County School Board is authorized  
80 and directed to appropriate from funds of the school board not  
81 otherwise appropriated and to draw a warrant in the sum of  
82 \$600,000, payable in two annual installments of \$300,000 each,  
83 which, after payment of fees, costs, and expenses as provided in  
84 section 3, shall be placed in a special needs trust for the  
85 exclusive use and benefit of Q.B to compensate her for injuries  
86 and damages sustained.

87 Section 3. The total amount paid for attorney fees,  
88 lobbying fees, costs, and other similar expenses relating to  
89 this claim may not exceed 25 percent of the amount awarded under  
90 this act.

590-02349-16

201658c1

91 Section 4. The compensation awarded under this act is  
92 intended to provide the sole compensation for all present and  
93 future claims arising out of the factual situation described in  
94 this act which resulted in the injuries to Q.B.

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