



1                   A bill to be entitled  
2           An act relating to the payment of claims by the Palm  
3           Beach County School Board; providing for an  
4           appropriation to compensate Altavious Carter for  
5           injuries sustained as a result of the negligence of a  
6           bus driver of the Palm Beach County School District;  
7           providing that the amount awarded under the act to  
8           Altavious Carter satisfies all present and future  
9           claims related to the negligent act; providing a  
10          limitation on the payment of fees; providing for an  
11          appropriation and annuity to compensate Dustin  
12          Reinhardt for injuries sustained as a result of the  
13          negligence of employees of the Palm Beach County  
14          School District; providing that certain payments and  
15          the amount awarded under the act to Dustin Reinhardt  
16          satisfy all present and future claims related to the  
17          negligent act; providing a limitation on the payment  
18          of compensation, fees, and costs; providing an  
19          effective date.

21           WHEREAS, in regards to Altavious Carter, he was a 14-  
22          year-old freshman at Summit Christian School in Palm Beach  
23          County on December 15, 2005, while riding as a passenger in  
24          a vehicle driven by Vincent H. Merriweather, and

25           WHEREAS, while Vincent H. Merriweather was stopped at



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26 | a red light at the intersection of Forest Hill Boulevard  
27 | and Olympia Boulevard in Palm Beach County, his vehicle, a  
28 | van, was struck by a school bus driven by an employee of  
29 | the Palm Beach County School District, and

30 |       WHEREAS, the bus driver, Dennis Gratham, was cited for  
31 | careless driving and the speed of the bus at the time of  
32 | impact was 48.5 miles per hour, and

33 |       WHEREAS, the seat in which Altavious Carter was  
34 | sitting was broken as a result of the crash, and Altavious  
35 | Carter, who was wearing a seatbelt, was thrown into the  
36 | back of the van, his neck was broken at the C6 level, and  
37 | he suffered a C6-7 interior subluxation and reversal of  
38 | normal cervical lordosis, with spinal cord flattening, and

39 |       WHEREAS, Altavious Carter was taken by ambulance to  
40 | Wellington Regional Medical Center and subsequently to St.  
41 | Mary's Medical Center, where he was diagnosed and treated  
42 | for the injuries he sustained, and

43 |       WHEREAS, Altavious Carter received a discectomy and  
44 | fusion at C6-7, along with placement of a bone graft and  
45 | cage, plates, and screws to fuse the spine at C6-7, and

46 |       WHEREAS, following rehabilitation, an MRI taken in  
47 | June 2009 indicated a small herniation at the C7-T1 level,  
48 | representing the start of degenerative disc disease, and

49 |       WHEREAS, on February 25, 2010, Altavious Carter  
50 | received a jury verdict against the Palm Beach County



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51 School Board, and the court entered a judgment in the  
52 amount of \$1,094,034.30, and

53 WHEREAS, on August 4, 2010, an additional final cost  
54 judgment in the amount of \$46,830.11 was entered in favor  
55 of Altavious Carter against the Palm Beach County School  
56 Board in the same matter, and

57 WHEREAS, Altavious Carter and the Palm Beach County  
58 School Board have agreed to a settlement of the claim in  
59 the amount of \$790,000, and

60 WHEREAS, in regards to Dustin Reinhardt, he was a  
61 student at Seminole Ridge Community High School in  
62 Loxahatchee in Palm Beach County in September 2013, and was  
63 involved in the Army Junior Reserve Officer Training Corps  
64 for which he received honors for his participation, and

65 WHEREAS, on September 4, 2013, while in auto shop  
66 class at Seminole Ridge Community High School, Dustin  
67 Reinhardt was inflating a large truck tire, which proceeded  
68 to explode, striking him in his head, and

69 WHEREAS, immediately following the explosion, Dustin  
70 Reinhardt was airlifted to St. Mary's Medical Center in  
71 West Palm Beach where he underwent multiple surgeries,  
72 including skull and facial reconstruction procedures, was  
73 placed in a chemically induced coma, and spent more than 4  
74 weeks in the intensive care unit, and

75 WHEREAS, Dustin Reinhardt has continued to be impacted



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76 | by the injuries he incurred from the explosion, including  
77 | the loss of vision in his right eye, short-term memory  
78 | loss, and a recent diagnosis of severe traumatic brain  
79 | injury, and

80 |       WHEREAS, the traumatic brain injury will impair Dustin  
81 | Reinhardt's executive function and has resulted in symptoms  
82 | such as the exhibition of socially inappropriate behavior,  
83 | difficulty in planning and taking initiative, difficulty  
84 | with verbal fluency, an inability to multitask, and  
85 | difficulty in processing, storing, and retrieving  
86 | information, and

87 |       WHEREAS, because of the explosion, Dustin Reinhardt  
88 | continues to live in supervised care at the Neuro  
89 | International and is unlikely to ever live an independent  
90 | life, and

91 |       WHEREAS, the injuries that Dustin Reinhardt sustained  
92 | were foreseeable and preventable and the school had a duty  
93 | to prevent his injuries, and

94 |       WHEREAS, Dustin Reinhardt and the Palm Beach County School  
95 | Board have agreed to a settlement in the sum of \$5 million, and  
96 | the Palm Beach County School Board has paid \$300,000 of the  
97 | settlement pursuant to the statutory limits of liability set  
98 | forth in s. 768.28, Florida Statutes, leaving a remaining  
99 | balance of \$4.7 million, NOW, THEREFORE,

100



101 Be It Enacted by the Legislature of the State of Florida:

102

103       Section 1. The facts stated in the preamble to this act  
104 are found and declared to be true.

105       Section 2. (1) The Palm Beach County School Board is  
106 authorized and directed to appropriate from funds of the school  
107 board not otherwise appropriated and, no later than 20 days  
108 after the effective date of this act, draw a warrant in the sum  
109 of \$790,000, payable to Altavious Carter as compensation for  
110 injuries and damages sustained.

111       (2) The amount paid by the Palm Beach County School Board  
112 under s. 768.28, Florida Statutes, and the amount awarded under  
113 section 2 of this act are intended to provide the sole  
114 compensation for all present and future claims arising out of  
115 the factual situation described in this act which resulted in  
116 injuries to Altavious Carter. The total amount paid for attorney  
117 fees relating to this claim may not exceed 25 percent of the  
118 total amount awarded under section 2 of this act.

119       Section 3. (1) The Palm Beach County School Board is  
120 authorized and directed to:

121       (a) Appropriate from funds of the school board not  
122 otherwise encumbered and, no later than 30 days after the  
123 effective date of this act, draw a warrant in the sum of \$1.7  
124 million payable to Dustin Reinhardt, to be placed in the Special  
125 Needs Trust created for the exclusive use and benefit of Dustin



126 Reinhardt, as compensation for injuries and damages sustained.

127 (b) Purchase, for Dustin Reinhardt's benefit, three  
128 separate \$1 million annuities, over a successive 3-year period  
129 of time. The first annuity shall be purchased in the year this  
130 claim bill is enacted with the other two annuities purchased in  
131 successive years thereafter. The first annuity shall make annual  
132 disbursements to Dustin Reinhardt, to be placed in the Special  
133 Needs Trust created for the exclusive use and benefit of Dustin  
134 Reinhardt, beginning on or about September 2023. The second and  
135 third annuities shall make annual disbursements to Dustin  
136 Reinhardt, to be placed in the Special Needs Trust created for  
137 the exclusive use and benefit of Dustin Reinhardt, pursuant to  
138 their terms.

139 (2) The amount paid by the Palm Beach County School Board  
140 pursuant to s. 768.28, Florida Statutes, and the amount awarded  
141 under section 3 of this act are intended to provide the sole  
142 compensation for all present and future claims arising out of  
143 the factual situation described in this act which resulted in  
144 injuries and damages to Dustin Reinhardt. Of the amount awarded  
145 under section 3 of this act, the total amount paid for attorney  
146 fees may not exceed \$940,000, the total amount paid for lobbying  
147 fees may not exceed \$235,000, and no amount may be paid for  
148 costs and other similar expenses relating to this claim.  
149 Attorney or lobbying fees may not be assessed against the value  
150 of the annuity.



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