

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative(s) Seiler offered the following:

3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

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

8 Section 2. The District School Board of Palm Beach County
9 is authorized and directed to appropriate from funds of the
10 school board not otherwise appropriated and to draw a warrant in
11 the sum of \$900,000 payable to Claudia and Jeffrey Kautz,
12 parents of Diana M. Kautz, deceased, as compensation for
13 injuries and damages sustained as a result of the negligence of
14 an employee of the District School Board of Palm Beach County.

15 The settlement shall be paid as a single, one-time payment, and,
16 after payment of lobbying fees, attorney's fees, and costs as
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17 limited by this act, the remaining moneys shall be distributed
18 as follows:

19 (1) Fifty percent shall be paid to Claudia Kautz, mother
20 of Diana M. Kautz, deceased; and

21 (2) Fifty percent shall be paid to Jeffrey Kautz, father
22 of Diana M. Kautz, deceased.

23 Section 3. Payment for the combined total of professional
24 services and costs incurred by attorneys, lobbyists, and agents
25 or representatives of attorneys or lobbyists shall not exceed
26 \$161,410.

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

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===== T I T L E A M E N D M E N T =====

On page 1, line 1, through page 2, line 16, remove all of
said lines, and insert:

A bill to be entitled
An act relating to Palm Beach County; providing for the
relief of Claudia Kautz, mother of Diana M. Kautz,
deceased, and Jeffrey Kautz, father of Diana M. Kautz,
deceased; providing for an appropriation to compensate
them for injuries and damages sustained as a result of the
negligence of an employee of the District School Board of
Palm Beach County; providing for lobbying fees, attorney's
fees, and costs; providing an effective date.

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45 WHEREAS, on November 11, 2004, Maria E. Abrahantes
46 negligently operated a school bus at the intersection of Orange
47 Boulevard and Hall Boulevard in Royal Palm Beach, Palm Beach
48 County, Florida, so that the school bus collided with another
49 vehicle and rolled over, causing serious injury to and the
50 subsequent death of passenger Diana M. Kautz, and

51 WHEREAS, at the time of the accident, Maria E. Abrahantes
52 was operating the school bus as an employee of the District
53 School Board of Palm Beach County in a southbound direction on
54 Hall Boulevard, and

55 WHEREAS, at its intersection with Orange Boulevard, a stop
56 sign was visible on Hall Boulevard and five sets of "rumble
57 strips" were in place on the southbound lane leading up to the
58 stop sign, and

59 WHEREAS, Maria E. Abrahantes negligently operated the
60 school bus by traveling over the rumble strips without braking,
61 thus running the stop sign and entering Orange Boulevard,
62 violating the right-of-way of east-west traffic and causing the
63 truck operated by Jeffrey Schwartz to hit the school bus, which
64 rolled over and caused serious injury to and the subsequent
65 death of Diana M. Kautz, and

66 WHEREAS, the school district has agreed to pay the
67 claimants, Claudia and Jeffrey Kautz, parents of decedent Diana
68 M. Kautz, the sum of \$200,000, the maximum amount payable under
69 the waiver of sovereign immunity provided under s. 768.28,
70 Florida Statutes, and

71 WHEREAS, the amount remaining under the claim for damages
72 in the amount of \$1.1 million is \$900,000, a sum that the
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HOUSE AMENDMENT

Bill No. CS/SB 48

Amendment No.

73 District School Board of Palm Beach County has agreed to pay,
74 and

75 WHEREAS, the school district does not oppose the passage of
76 this act, NOW, THEREFORE,