

By the Committee on Education Pre-K - 12; and Senator Aronberg

581-2563-07

1 A bill to be entitled
2 An act relating to Palm Beach County; providing
3 for the relief of Claudia Kautz, mother of
4 decedent Diana M. Kautz, and Jeffrey Kautz,
5 father of the decedent, for injuries and
6 damages sustained as a result of the negligence
7 of an employee of the District School Board of
8 Palm Beach County; providing for an
9 appropriation; providing for attorney's fees
10 and costs; limiting fees and costs; providing
11 an effective date.
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13 WHEREAS, on November 11, 2004, Maria E. Abrahantes
14 negligently operated a school bus at the intersection of
15 Orange Boulevard and Hall Boulevard in Royal Palm Beach, Palm
16 Beach County, Florida, so that the school bus collided with
17 another vehicle and rolled over, causing serious injury to and
18 the subsequent death of passenger Diana M. Kautz, and
19 WHEREAS, at the time of the accident, Maria E.
20 Abrahantes was operating the school bus as an employee of the
21 District School Board of Palm Beach County in a southbound
22 direction on Hall Boulevard, and
23 WHEREAS, at its intersection with Orange Boulevard, a
24 stop sign was visible on Hall Boulevard and five sets of
25 "rumble strips" were in place on the southbound lane leading
26 up to the stop sign, and
27 WHEREAS, Maria E. Abrahantes negligently operated the
28 school bus by traveling over the rumble strips without
29 braking, thus running the stop sign and entering Orange
30 Boulevard, violating the right-of-way of east-west traffic and
31 causing the truck operated by Jeffrey Schwartz to hit the

1 school bus, which rolled over and caused serious injury to and
2 the subsequent death of Diana M. Kautz, and

3 WHEREAS, the school district has agreed to pay the
4 claimants, Claudia and Jeffrey Kautz, parents of decedent
5 Diana M. Kautz, the sum of \$200,000, the maximum amount
6 payable under the waiver of sovereign immunity provided under
7 s. 768.28, Florida Statutes, and

8 WHEREAS, the amount remaining under the claim for
9 damages in the amount of \$1.1 million is \$900,000, a sum that
10 the District School Board of Palm Beach County has agreed to
11 pay, and

12 WHEREAS, the school district does not oppose the
13 passage of this act, NOW, THEREFORE,

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

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

19 Section 2. The District School Board of Palm Beach
20 County is authorized and directed to appropriate from funds of
21 the school board not otherwise appropriated and to draw a
22 warrant in the amount of \$900,000 in favor of Claudia and
23 Jeffrey Kautz, parents of decedent Diana M. Kautz, as
24 compensation for injuries and damages sustained as a result of
25 the negligence of an employee of the District School Board of
26 Palm Beach County. The settlement shall be paid as a single,
27 one-time payment, and, after payment of costs and attorney's
28 fees as limited by s. 768.28(8), Florida Statutes, the
29 remaining moneys shall be distributed as follows:

30 (1) Fifty percent shall be paid to Claudia Kautz,
31 mother of decedent Diana M. Kautz; and

1 (2) Fifty percent shall be paid to Jeffrey Kautz,
2 father of decedent Diana M. Kautz.

3 Section 3. The award is intended to provide the sole
4 compensation for any and all present and future claims arising
5 out of the factual situation in connection with the death of
6 Diana M. Kautz. Not more than 25 percent of the award may be
7 paid by the claimant for attorney's fees, lobbying fees,
8 costs, or other similar expenses.

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

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12 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
13 COMMITTEE SUBSTITUTE FOR
14 Senate Bill 48

15 This committee substitute provides a limitation on attorney's
16 fees, lobbying fees, costs, or other similar expenses.
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