

By Senator Negrón

28-00178A-12

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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 the Palm Beach County  
6           School District; providing a limitation on the payment  
7           of fees and costs; providing an effective date.

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

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

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

22          WHEREAS, the Palm Beach County School Board unanimously  
23          passed a resolution in support of settling the lawsuit that was  
24          filed in this case, tendered payment of \$100,000 to Carl Abbott,  
25          in accordance with the statutory limits of liability set forth  
26          in s. 768.28, Florida Statutes, and does not oppose the passage  
27          of this claim bill in favor of Carl Abbott in the amount of  
28          \$1,900,000, as structured, NOW, THEREFORE,

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

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

34 Section 2. The Palm Beach County School Board is authorized  
35 and directed to appropriate from funds of the school board not  
36 otherwise appropriated and to draw warrants in the amount of  
37 \$211,111.11 each fiscal year beginning in 2012 through 2019,  
38 inclusive, and \$211,111.12 in the 2020 fiscal year for a total  
39 of \$1,900,000, payable to David Abbott, guardian of Carl Abbott,  
40 as compensation for injuries and damages sustained as a result  
41 of the negligence of an employee of the Palm Beach County School  
42 District. The payments shall cease upon the death of Carl Abbott  
43 if he dies prior to the last payment being made. However, David  
44 Abbott, as guardian of Carl Abbott, shall be guaranteed a  
45 minimum payment amount of \$633,333.33 if Carl Abbott dies within  
46 3 years after the effective date of this act. The amount  
47 represents three annual payments and shall be payable on the  
48 annual due dates.

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

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