

By Senator Legg

17-00036-15

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

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

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

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

23           WHEREAS, the Palm Beach County School Board unanimously  
24           passed a resolution in support of settling the lawsuit that was  
25           filed in this case, tendered payment of \$100,000 to Carl Abbott  
26           in accordance with the statutory limits of liability set forth  
27           in s. 768.28, Florida Statutes, and does not oppose the passage  
28           of this claim bill in favor of Carl Abbott in the amount of \$1.9  
29           million, as structured, NOW, THEREFORE,

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31 Be It Enacted by the Legislature of the State of Florida:  
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33 Section 1. The facts stated in the preamble to this act are  
34 found and declared to be true.

35 Section 2. The Palm Beach County School Board is authorized  
36 and directed to appropriate from funds of the school board not  
37 otherwise appropriated and to draw warrants in the amount of  
38 \$211,111.11 each fiscal year beginning in 2015 through 2022,  
39 inclusive, and \$211,111.12 in the 2023-2024 fiscal year for a  
40 total of \$1.9 million, payable to David Abbott, as guardian of  
41 Carl Abbott, as compensation for injuries and damages sustained  
42 as a result of the negligence of an employee of the Palm Beach  
43 County School District. The payments shall cease upon the death  
44 of Carl Abbott if he dies before the last payment is made.  
45 However, David Abbott, as guardian of Carl Abbott, shall be  
46 guaranteed a minimum payment amount of \$633,333.33 if Carl  
47 Abbott dies within 3 years after the effective date of this act.  
48 This amount represents three annual payments and shall be  
49 payable on the annual due dates.

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

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59 amount awarded under this act.

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