

By the Committee on Judiciary; and Senator Legg

590-01489A-15

201568c1

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.

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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 had to
19 reside in a nursing home, suffered from loss of cognitive
20 function, right-sided paralysis, immobility, urinary
21 incontinence, bowel incontinence, delirium, and an inability to
22 speak, and had to 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, and

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30 WHEREAS, Carl Abbott passed away in June 2014, NOW,
31 THEREFORE,

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

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

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

53 Section 3. The amount paid by the Palm Beach County School
54 Board pursuant to s. 768.28, Florida Statutes, and the amount
55 awarded under this act are intended to provide the sole
56 compensation for all present and future claims against the Palm
57 Beach County School District arising out of the factual
58 situation that resulted in the injuries to Carl Abbott as

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59 described in the preamble to this act. The total amount paid for
60 attorney fees, lobbying fees, costs, and other similar expenses
61 relating to this claim may not exceed 25 percent of the total
62 amount awarded under this act.

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