

HB 3515

2016

1 A bill to be entitled
2 An act for the relief of Q.B. by the Palm Beach County
3 School Board; providing for an appropriation to
4 compensate Q.B. for injuries sustained as a result of
5 the negligence of employees of the Palm Beach County
6 School District; providing a limitation on the payment
7 of fees and costs; providing that the appropriation
8 settles all present and future claims related to the
9 negligent act; providing an effective date.

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11 WHEREAS, in January 2007, Q.B. was a 3-year-old exceptional
12 student education student at Glade View Elementary School in the
13 Palm Beach County School District, and

14 WHEREAS, at that time, Q.B.'s speech and language
15 capabilities were developmentally delayed and Q.B. had virtually
16 no capacity for speech, and

17 WHEREAS, on January 16, 2007, a school bus owned by the
18 Palm Beach County School District was being driven by a bus
19 driver employed by the district with a bus aide, also employed
20 by the district, riding as a passenger, to transport Q.B. to her
21 home from Glade View Elementary School, and

22 WHEREAS, at the same time, a 15-year-old male high school
23 student who had emotional and behavioral disabilities and who
24 was considered severely emotionally disturbed by the Palm Beach
25 County School District was also a passenger on the school bus,
26 and

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27 WHEREAS, the 15-year-old male high school student left his
28 assigned bus seat, approached Q.B., and proceeded to sexually
29 assault Q.B. for approximately 15 minutes before the sexual
30 assault was discovered and stopped by the bus aide, and

31 WHEREAS, neither the bus driver or the bus aide made any
32 effort to require the 15-year-old male high school student to
33 return to his assigned seat in the wake of the sexual assault,
34 but allowed him to remain sitting next to Q.B. for the remainder
35 of the bus ride, and

36 WHEREAS, the duties of the bus driver and the bus aide
37 included supervising the students on the bus, ensuring that all
38 students were in compliance with bus safety rules, and ensuring
39 the safety of all students on the bus, and

40 WHEREAS, the bus driver and the bus aide failed to properly
41 supervise the 15-year-old male high school student, failed to
42 properly supervise Q.B., failed to ensure the safety of Q.B.,
43 and, as a direct result of the breach of such duties, the 15-
44 year-old male high school student was able to sexually assault
45 Q.B., and

46 WHEREAS, the sexual assault was captured on video by a
47 camera installed on the school bus, and the sexual assault
48 resulted in physical, emotional, and psychological trauma to
49 Q.B., and further diminished the quality of her life, and

50 WHEREAS, the Palm Beach County School Board is vicariously
51 liable for the negligence of the bus driver and the bus aide
52 under the doctrine of respondeat superior, s. 768.28(9)(a),

53 Florida Statutes, and

54 WHEREAS, on January 6, 2010, the parents of Q.B. filed a
 55 negligence action against the Palm Beach County School Board in
 56 Palm Beach County Circuit Court, styled *T.B. and S.W., as*
 57 *Parents and Natural Guardians of Q.B., a minor, Plaintiff v. The*
 58 *School Board of Palm Beach County, Defendant*, Case No.
 59 502010CA000194MBAA, to recover damages for the injuries
 60 sustained by Q.B. due to the sexual assault, and

61 WHEREAS, six years after the sexual assault and 2 weeks
 62 before the commencement of trial, the Palm Beach County School
 63 Board admitted liability for negligence and the case proceeded
 64 to trial only on the issue of damages, and

65 WHEREAS, on February 6, 2013, the jury returned a verdict
 66 of \$1,777,950 to compensate Q.B. for her injuries and provide
 67 for her future care and treatment, and

68 WHEREAS, the Palm Beach County School Board has paid
 69 \$100,000 of the judgment pursuant to the statutory limits of
 70 liability under s. 768.28, Florida Statutes, and

71 WHEREAS, the Palm Beach County School Board is responsible
 72 for paying the remainder of the judgment, which is \$1,677,950,
 73 NOW, THEREFORE,

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

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

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79 Section 2. The Palm Beach County School Board is
80 authorized and directed to appropriate from funds of the school
81 board not otherwise appropriated and to draw a warrant in the
82 sum of \$1,677,950 payable to Q.B. as compensation for injuries
83 and damages sustained as a result of the negligence of employees
84 of the Palm Beach County School District.

85 Section 3. The total amount paid for attorney fees,
86 lobbying fees, costs, and other similar expenses relating to
87 this claim may not exceed 25 percent of the amount awarded under
88 this act.

89 Section 4. The compensation awarded under this act is
90 intended to provide the sole compensation for all present and
91 future claims arising out of the factual situation described in
92 this act which resulted in the injuries to Q.B.

93 Section 5. This act shall take effect upon becoming a law.