



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 and  
4 annuity to compensate Q.B. for injuries sustained as a  
5 result of the negligence of employees of the Palm  
6 Beach County School District; providing a limitation  
7 on the payment of fees and costs; providing that the  
8 appropriation settles all present and future claims  
9 related to the negligent act; providing an effective  
10 date.

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

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

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

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



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27 and

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

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

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

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

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

51 WHEREAS, the Palm Beach County School Board is vicariously  
52 liable for the negligence of the bus driver and the bus aide



53 | under the doctrine of respondeat superior, s. 768.28(9)(a),  
54 | Florida Statutes, and

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

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

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

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

72 |       WHEREAS, the parties agreed to and approved a settlement on  
73 | December 16, 2015, which, among other things, requires the Palm  
74 | Beach County School Board to provide employment coaching and  
75 | education services to Q.B., and

76 |       WHEREAS, the settlement agreement also requires the Palm  
77 | Beach County School Board to compensate Q.B. in the amount of  
78 | \$600,000 and to purchase an annuity for Q.B.'s benefit, NOW,



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79 THEREFORE,

80

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

82

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

85 Section 2. The Palm Beach County School Board is  
86 authorized and directed to:

87 (1) Appropriate from funds of the school board not  
88 otherwise appropriated and to draw a warrant in the sum of  
89 \$600,000, payable in two annual installments of \$300,000, which,  
90 after payment of fees, costs, and expenses as provided in  
91 section 3, shall be placed in a special needs trust for the  
92 exclusive use and benefit of Q.B. to compensate her for injuries  
93 and damages she sustained as a result of the negligence of  
94 employees of the Palm Beach County School District; and

95 (2) Purchase an annuity for Q.B.'s benefit. The annuity  
96 shall provide annual disbursements to Q.B. beginning on June 23,  
97 2024. Each annual payment shall be at least \$14,850. The annuity  
98 shall guarantee such annual payments for a minimum of 40 years,  
99 for a total guaranteed benefit of \$594,000.

100 Section 3. The total amount paid for attorney fees,  
101 lobbying fees, costs, and other similar expenses relating to  
102 this claim may not exceed 25 percent of the amount awarded under  
103 this act. Attorney or lobbyist fees may not be assessed against  
104 the value of the annuity.



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

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