



675932

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/26/2016	.	
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	.	
	.	

Appropriations Subcommittee on Education (Bullard) recommended the following:

Senate Amendment (with title amendment)

Delete lines 79 - 90
and insert:

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

(1) Appropriate from funds of the school board not otherwise appropriated and to draw a warrant in the sum of \$600,000, payable in two annual installments of \$300,000, which, after payment of fees, costs, and expenses as provided in



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11 section 3, shall be placed in a special needs trust for the
12 exclusive use and benefit of Q.B. to compensate her for injuries
13 and damages she sustained as a result of the negligence of
14 employees of the Palm Beach County School District; and

15 (2) Purchase an annuity for Q.B.'s benefit. The annuity
16 shall provide annual disbursements to Q.B. beginning on June 23,
17 2024. Each annual payment shall be at least \$14,850. The annuity
18 shall guarantee such annual payments for a minimum of 40 years,
19 for a total guaranteed benefit of \$594,000.

20 Section 3. The total amount paid for attorney fees,
21 lobbying fees, costs, and other similar expenses relating to
22 this claim may not exceed 25 percent of the amount awarded under
23 this act. Attorney or lobbyist fees may not be assessed against
24 the value of the annuity.

25
26 ===== T I T L E A M E N D M E N T =====

27 And the title is amended as follows:

28 Delete lines 3 - 73

29 and insert:

30 School Board; providing for an appropriation and an
31 annuity to compensate Q.B. for injuries sustained as a
32 result of the negligence of employees of the Palm
33 Beach County School District; providing a limitation
34 on the payment of fees and costs; providing that the
35 appropriation settles all present and future claims
36 related to the negligent act; providing an effective
37 date.

38
39 WHEREAS, in January 2007, Q.B. was a 3-year-old exceptional



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40 student education (ESE) student at Glade View Elementary School
41 in the Palm Beach County School District, and

42 WHEREAS, at that time, Q.B.'s speech and language
43 capabilities were developmentally delayed, and Q.B. had
44 virtually no capacity for speech, and

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

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

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

59 WHEREAS, neither the bus driver nor the bus aide made any
60 effort to require the 15-year-old male high school student to
61 return to his assigned seat in the wake of the sexual assault,
62 but allowed him to remain sitting next to Q.B. for the remainder
63 of the bus ride, and

64 WHEREAS, the duties of the bus driver and the bus aide
65 included supervising the students on the bus, ensuring that all
66 students were in compliance with bus safety rules, and ensuring
67 the safety of all students on the bus, and

68 WHEREAS, the bus driver and the bus aide failed to properly



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69 supervise the 15-year-old male high school student, failed to
70 properly supervise Q.B., and failed to ensure the safety of
71 Q.B., and, as a direct result of the breach of such duties, the
72 15-year-old male high school student was able to sexually
73 assault Q.B., and

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

78 WHEREAS, the Palm Beach County School Board is vicariously
79 liable for the negligence of the bus driver and the bus aide
80 under the doctrine of respondeat superior, s. 768.28(9)(a),
81 Florida Statutes, and

82 WHEREAS, on January 6, 2010, the parents of Q.B. filed a
83 negligence action against the Palm Beach County School Board in
84 Palm Beach County Circuit Court, styled *T.B. and S.W., as*
85 *Parents and Natural Guardians of Q.B., a minor, Plaintiff v. The*
86 *School Board of Palm Beach County, Defendant*, Case No.
87 502010CA000194MBAA, to recover damages for the injuries
88 sustained by Q.B. due to the sexual assault, and

89 WHEREAS, 6 years after the sexual assault and 2 weeks
90 before the commencement of trial, the Palm Beach County School
91 Board admitted liability for negligence, and the case proceeded
92 to trial only on the issue of damages, and

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

96 WHEREAS, the Palm Beach County School Board has paid
97 \$100,000 of the judgment pursuant to the statutory limits of



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98 liability under s. 768.28, Florida Statutes, and

99 WHEREAS, the parties agreed to and approved a settlement on
100 December 16, 2015, which, among other things, requires the Palm
101 Beach County School Board to provide employment coaching and
102 education services to Q.B., and

103 WHEREAS, the settlement agreement also requires the Palm
104 Beach County School Board to compensate Q.B. in the amount of
105 \$600,000 and to purchase an annuity for Q.B.'s benefit, NOW,
106 THEREFORE,