



896478

576-04187-16

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Education)

A bill to be entitled

An act for the relief of Q.B. by the Palm Beach County School Board; providing for an appropriation and an annuity to compensate Q.B. for injuries sustained as a result of the negligence of employees of the Palm Beach County School District; providing a limitation on the payment of fees and costs; providing that the appropriation settles all present and future claims related to the negligent act; providing an effective date.

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

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

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

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



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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 nor 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., and failed to ensure the safety of
44 Q.B., and, as a direct result of the breach of such duties, the
45 15-year-old male high school student was able to sexually
46 assault 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



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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, 6 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,
79 THEREFORE,

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

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

85 Section 2. The Palm Beach County School Board is authorized



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86 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.

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.