



147810

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/04/2017	.	
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The Committee on Judiciary (Thurston) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

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

(1) Appropriate from funds of the school board not  
otherwise encumbered and, no later than 30 days after the  
effective date of this act, draw a warrant in the sum of \$1.7



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12 million payable to Dustin Reinhardt, to be placed in the Special  
13 Needs Trust created for the exclusive use and benefit of Dustin  
14 Reinhardt, as compensation for injuries and damages sustained.

15 (2) Purchase, for Dustin Reinhardt's benefit, three  
16 separate \$1 million annuities, over a successive 3-year period  
17 of time. The first annuity shall be purchased in the year this  
18 claim bill is enacted with the other two annuities purchased in  
19 successive years thereafter. The first annuity shall make annual  
20 disbursements to Dustin Reinhardt, to be placed in the Special  
21 Needs Trust created for the exclusive use and benefit of Dustin  
22 Reinhardt, beginning on or about September 2023. The second and  
23 third annuities shall make annual disbursements to Dustin  
24 Reinhardt, to be placed in the Special Needs Trust created for  
25 the exclusive use and benefit of Dustin Reinhardt, pursuant to  
26 their terms.

27 Section 3. The amount paid by the Palm Beach County School  
28 Board pursuant to s. 768.28, Florida Statutes, and the amount  
29 awarded under this act are intended to provide the sole  
30 compensation for all present and future claims arising out of  
31 the factual situation described in this act which resulted in  
32 injuries and damages to Dustin Reinhardt. Of the amount awarded  
33 under this act, the total amount paid for attorney fees may not  
34 exceed \$940,000, the total amount paid for lobbying fees may not  
35 exceed \$235,000, and no amount may be paid for costs and other  
36 similar expenses relating to this claim. Attorney or lobbying  
37 fees may not be assessed against the value of the annuity.

38 Section 4. This act shall take effect upon becoming a law.  
39

40 ===== T I T L E A M E N D M E N T =====



41 And the title is amended as follows:

42 Delete everything before the enacting clause  
43 and insert:

44 A bill to be entitled  
45 An act for the relief of Dustin Reinhardt by the Palm  
46 Beach County School Board; providing for an  
47 appropriation and annuity to compensate him for  
48 injuries sustained as a result of the negligence of  
49 employees of the Palm Beach County School District;  
50 providing that certain payments and the amount awarded  
51 under the act satisfy all present and future claims  
52 related to the negligent act; providing a limitation  
53 on the payment of compensation, fees, and costs;  
54 providing an effective date.

55  
56 WHEREAS, in September 2013, Dustin Reinhardt was a student  
57 at Seminole Ridge Community High School in Loxahatchee in Palm  
58 Beach County, and was involved in the Army Junior Reserve  
59 Officer Training Corps for which he received honors for his  
60 participation, and

61 WHEREAS, on September 4, 2013, while in auto shop class at  
62 Seminole Ridge Community High School, Dustin Reinhardt was  
63 inflating a large truck tire, which proceeded to explode,  
64 striking him in his head, and

65 WHEREAS, immediately following the explosion, Dustin  
66 Reinhardt was airlifted to St. Mary's Medical Center in West  
67 Palm Beach where he underwent multiple surgeries, including  
68 skull and facial reconstruction procedures, was placed in a  
69 chemically induced coma, and spent more than 4 weeks in the



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70 intensive care unit, and

71 WHEREAS, Dustin Reinhardt has continued to be impacted by  
72 the injuries he incurred from the explosion, including the loss  
73 of vision in his right eye, short-term memory loss, and a recent  
74 diagnosis of severe traumatic brain injury, and

75 WHEREAS, the traumatic brain injury will impair Dustin  
76 Reinhardt's executive function and has resulted in symptoms such  
77 as the exhibition of socially inappropriate behavior, difficulty  
78 in planning and taking initiative, difficulty with verbal  
79 fluency, an inability to multitask, and difficulty in  
80 processing, storing, and retrieving information, and

81 WHEREAS, because of the explosion, Dustin Reinhardt  
82 continues to live in supervised care at the Neuro International  
83 and is unlikely to ever live an independent life, and

84 WHEREAS, the injuries that Dustin Reinhardt sustained were  
85 foreseeable and preventable and the school had a duty to prevent  
86 his injuries, and

87 WHEREAS, the parties have agreed to a settlement in the sum  
88 of \$5 million, and the Palm Beach County School Board has paid  
89 \$300,000 of the settlement pursuant to the statutory limits of  
90 liability set forth in s. 768.28, Florida Statutes, leaving a  
91 remaining balance of \$4.7 million, NOW, THEREFORE,