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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/18/2017	.	
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	.	
	.	

The Committee on Community Affairs (Clemens) 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. (1) The Palm Beach County School Board is authorized and directed to appropriate from funds of the school board not otherwise appropriated and, no later than 20 days after the effective date of this act, draw a warrant in the sum



11 of \$790,000, payable to Altavious Carter as compensation for
12 injuries and damages sustained.

13 (2) The amount paid by the Palm Beach County School Board
14 under s. 768.28, Florida Statutes, and the amount awarded under
15 section 2 of this act are intended to provide the sole
16 compensation for all present and future claims arising out of
17 the factual situation described in this act which resulted in
18 injuries to Altavious Carter. The total amount paid for attorney
19 fees relating to this claim may not exceed 25 percent of the
20 total amount awarded under section 2 of this act.

21 Section 3. (1) The Palm Beach County School Board is
22 authorized and directed to:

23 (a) Appropriate from funds of the school board not
24 otherwise encumbered and, no later than 30 days after the
25 effective date of this act, draw a warrant in the sum of \$1.7
26 million payable to Dustin Reinhardt, to be placed in the Special
27 Needs Trust created for the exclusive use and benefit of Dustin
28 Reinhardt, as compensation for injuries and damages sustained.

29 (b) Purchase, for Dustin Reinhardt's benefit, three
30 separate \$1 million annuities, over a successive 3-year period
31 of time. The first annuity shall be purchased in the year this
32 claim bill is enacted with the other two annuities purchased in
33 successive years thereafter. The first annuity shall make annual
34 disbursements to Dustin Reinhardt, to be placed in the Special
35 Needs Trust created for the exclusive use and benefit of Dustin
36 Reinhardt, beginning on or about September 2023. The second and
37 third annuities shall make annual disbursements to Dustin
38 Reinhardt, to be placed in the Special Needs Trust created for
39 the exclusive use and benefit of Dustin Reinhardt, pursuant to



40 their terms.

41 (2) The amount paid by the Palm Beach County School Board
42 pursuant to s. 768.28, Florida Statutes, and the amount awarded
43 under section 3 of this act are intended to provide the sole
44 compensation for all present and future claims arising out of
45 the factual situation described in this act which resulted in
46 injuries and damages to Dustin Reinhardt. Of the amount awarded
47 under section 3 of this act, the total amount paid for attorney
48 fees may not exceed \$940,000, the total amount paid for lobbying
49 fees may not exceed \$235,000, and no amount may be paid for
50 costs and other similar expenses relating to this claim.
51 Attorney or lobbying fees may not be assessed against the value
52 of the annuity.

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

54
55 ===== T I T L E A M E N D M E N T =====

56 And the title is amended as follows:

57 Delete everything before the enacting clause
58 and insert:

59 A bill to be entitled
60 An act relating to the payment of claims by the Palm
61 Beach County School Board; providing for an
62 appropriation to compensate Altavious Carter for
63 injuries sustained as a result of the negligence of a
64 bus driver of the Palm Beach County School District;
65 providing a limitation on the payment of fees;
66 providing for an appropriation and annuity to
67 compensate Dustin Reinhardt for injuries sustained as
68 a result of the negligence of employees of the Palm



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69 Beach County School District; providing that certain
70 payments and the amount awarded under the act to
71 Dustin Reinhardt satisfy all present and future claims
72 related to the negligent act; providing a limitation
73 on the payment of compensation, fees, and costs;
74 providing an effective date.

75
76 WHEREAS, in regards to Altavious Carter, he was a 14-year-
77 old freshman at Summit Christian School in Palm Beach County on
78 December 15, 2005, while riding as a passenger in a vehicle
79 driven by Vincent H. Merriweather, and

80 WHEREAS, while Vincent H. Merriweather was stopped at a red
81 light at the intersection of Forest Hill Boulevard and Olympia
82 Boulevard in Palm Beach County, his vehicle, a van, was struck
83 by a school bus driven by an employee of the Palm Beach County
84 School District, and

85 WHEREAS, the bus driver, Dennis Gratham, was cited for
86 careless driving and the speed of the bus at the time of impact
87 was 48.5 miles per hour, and

88 WHEREAS, the seat in which Altavious Carter was sitting was
89 broken as a result of the crash, and Altavious Carter, who was
90 wearing a seatbelt, was thrown into the back of the van, his
91 neck was broken at the C6 level, and he suffered a C6-7 interior
92 subluxation and reversal of normal cervical lordosis, with
93 spinal cord flattening, and

94 WHEREAS, Altavious Carter was taken by ambulance to
95 Wellington Regional Medical Center and subsequently to St.
96 Mary's Medical Center, where he was diagnosed and treated for
97 the injuries he sustained, and



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98 WHEREAS, Altavious Carter received a discectomy and fusion
99 at C6-7, along with placement of a bone graft and cage, plates,
100 and screws to fuse the spine at C6-7, and

101 WHEREAS, following rehabilitation, an MRI taken in June
102 2009 indicated a small herniation at the C7-T1 level,
103 representing the start of degenerative disc disease, and

104 WHEREAS, on February 25, 2010, Altavious Carter received a
105 jury verdict against the Palm Beach County School Board, and the
106 court entered a judgment in the amount of \$1,094,034.30, and

107 WHEREAS, on August 4, 2010, an additional final cost
108 judgment in the amount of \$46,830.11 was entered in favor of
109 Altavious Carter against the Palm Beach County School Board in
110 the same matter, and

111 WHEREAS, Altavious Carter and the Palm Beach County School
112 Board have agreed to a settlement of the claim in the amount of
113 \$790,000, and

114 WHEREAS, in regards to Dustin Reinhardt, he was a student
115 at Seminole Ridge Community High School in Loxahatchee in Palm
116 Beach County in September 2013, and was involved in the Army
117 Junior Reserve Officer Training Corps for which he received
118 honors for his participation, and

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

123 WHEREAS, immediately following the explosion, Dustin
124 Reinhardt was airlifted to St. Mary's Medical Center in West
125 Palm Beach where he underwent multiple surgeries, including
126 skull and facial reconstruction procedures, was placed in a



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127 chemically induced coma, and spent more than 4 weeks in the
128 intensive care unit, and

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

133 WHEREAS, the traumatic brain injury will impair Dustin
134 Reinhardt's executive function and has resulted in symptoms such
135 as the exhibition of socially inappropriate behavior, difficulty
136 in planning and taking initiative, difficulty with verbal
137 fluency, an inability to multitask, and difficulty in
138 processing, storing, and retrieving information, and

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

142 WHEREAS, the injuries that Dustin Reinhardt sustained were
143 foreseeable and preventable and the school had a duty to prevent
144 his injuries, and

145 WHEREAS, Dustin Reinhardt and the Palm Beach County School
146 Board have agreed to a settlement in the sum of \$5 million, and
147 the Palm Beach County School Board has paid \$300,000 of the
148 settlement pursuant to the statutory limits of liability set
149 forth in s. 768.28, Florida Statutes, leaving a remaining
150 balance of \$4.7 million, NOW, THEREFORE,