

By Senator Thurston

33-00575-17

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1 A bill to be entitled

2 An act for the relief of Dustin Reinhardt by the Palm
3 Beach County School Board; providing for an
4 appropriation and annuity to compensate him for
5 injuries sustained as a result of the negligence of
6 employees of the Palm Beach County School District;
7 providing that certain payments and the amount awarded
8 under the act satisfy all present and future claims
9 related to the negligent act; providing a limitation
10 on the payment of compensation, fees, and costs;
11 providing an effective date.

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13 WHEREAS, in September 2013, Dustin Reinhardt was a student
14 at Seminole Ridge Community High School in Loxahatchee in Palm
15 Beach County, and was involved in the Army Junior Reserve
16 Officer Training Corps for which he received honors for his
17 participation, and

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

22 WHEREAS, immediately following the explosion, Dustin
23 Reinhardt was airlifted to St. Mary's Medical Center in West
24 Palm Beach where he underwent multiple surgeries, including
25 skull and facial reconstruction procedures, was placed in a
26 chemically induced coma, and spent more than 4 weeks in the
27 intensive care unit, and

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

32 WHEREAS, the traumatic brain injury will impair Dustin

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33 Reinhardt's executive function and has resulted in symptoms such
34 as the exhibition of socially inappropriate behavior, difficulty
35 in planning and taking initiative, difficulty with verbal
36 fluency, an inability to multitask, and difficulty in
37 processing, storing, and retrieving information, and

38 WHEREAS, because of the explosion, Dustin Reinhardt
39 continues to live in supervised care at the Florida Institute
40 for Neurologic Rehabilitation and is unlikely to ever live an
41 independent life, and

42 WHEREAS, the injuries that Dustin Reinhardt sustained were
43 foreseeable and preventable and the school had a duty to prevent
44 his injuries, and

45 WHEREAS, the parties have agreed to a settlement in the sum
46 of \$5 million, and the Palm Beach County School Board has agreed
47 to pay \$300,000 of the settlement pursuant to the statutory
48 limits of liability set forth in s. 768.28, Florida Statutes,
49 leaving a remaining balance of \$4.7 million, NOW, THEREFORE,

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

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

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

57 (1) Appropriate from funds of the school board not
58 otherwise encumbered and, no later than 30 days after the
59 effective date of this act, draw a warrant in the sum of \$1.7
60 million payable to Dustin Reinhardt as compensation for injuries
61 and damages sustained.

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62 (2) Purchase an annuity for the sum of \$3 million for
63 Dustin Reinhardt's benefit. The annuity must provide annual
64 disbursements to Dustin Reinhardt for 3 years, with the first
65 disbursement occurring 1 year after the payment made pursuant to
66 subsection (1) and the following disbursements occurring the
67 following 2 years thereafter. Each annual disbursement must be
68 at least \$1 million.

69 Section 3. The amount paid by the Palm Beach County School
70 Board pursuant to s. 768.28, Florida Statutes, and the amount
71 awarded under this act are intended to provide the sole
72 compensation for all present and future claims arising out of
73 the factual situation described in this act which resulted in
74 injuries and damages to Dustin Reinhardt. The total amount paid
75 for attorney fees, lobbying fees, costs, and similar expenses
76 relating to this claim may not exceed 25 percent of the amount
77 awarded under this act. Attorney or lobbyist fees may not be
78 assessed against the value of the annuity.

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