

By the Committee on Judiciary; and Senator Thurston

590-03414-17

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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.
12

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

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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
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 Neuro International
40 and is unlikely to ever live an independent life, and

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

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

49
50 Be It Enacted by the Legislature of the State of Florida:

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

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

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

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

62 (2) Purchase, for Dustin Reinhardt's benefit, three
63 separate \$1 million annuities, over a successive 3-year period
64 of time. The first annuity shall be purchased in the year this
65 claim bill is enacted with the other two annuities purchased in
66 successive years thereafter. The first annuity shall make annual
67 disbursements to Dustin Reinhardt, to be placed in the Special
68 Needs Trust created for the exclusive use and benefit of Dustin
69 Reinhardt, beginning on or about September 2023. The second and
70 third annuities shall make annual disbursements to Dustin
71 Reinhardt, to be placed in the Special Needs Trust created for
72 the exclusive use and benefit of Dustin Reinhardt, pursuant to
73 their terms.

74 Section 3. The amount paid by the Palm Beach County School
75 Board pursuant to s. 768.28, Florida Statutes, and the amount
76 awarded under this act are intended to provide the sole
77 compensation for all present and future claims arising out of
78 the factual situation described in this act which resulted in
79 injuries and damages to Dustin Reinhardt. Of the amount awarded
80 under this act, the total amount paid for attorney fees may not
81 exceed \$940,000, the total amount paid for lobbying fees may not
82 exceed \$235,000, and no amount may be paid for costs and other
83 similar expenses relating to this claim. Attorney or lobbying
84 fees may not be assessed against the value of the annuity.

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