

By the Committees on Community Affairs; and Judiciary; and
Senator Thurston

578-03984-17

2017304c2

1 A bill to be entitled
2 An act relating to the payment of claims by the Palm
3 Beach County School Board; providing for an
4 appropriation to compensate Altavious Carter for
5 injuries sustained as a result of the negligence of a
6 bus driver of the Palm Beach County School District;
7 providing that the amount awarded under the act to
8 Altavious Carter satisfies all present and future
9 claims related to the negligent act; providing a
10 limitation on the payment of fees; providing for an
11 appropriation and annuity to compensate Dustin
12 Reinhardt for injuries sustained as a result of the
13 negligence of employees of the Palm Beach County
14 School District; providing that certain payments and
15 the amount awarded under the act to Dustin Reinhardt
16 satisfy all present and future claims related to the
17 negligent act; providing a limitation on the payment
18 of compensation, fees, and costs; providing an
19 effective date.

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

25 WHEREAS, while Vincent H. Merriweather was stopped at a red
26 light at the intersection of Forest Hill Boulevard and Olympia
27 Boulevard in Palm Beach County, his vehicle, a van, was struck
28 by a school bus driven by an employee of the Palm Beach County
29 School District, and

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30 WHEREAS, the bus driver, Dennis Gratham, was cited for
31 careless driving and the speed of the bus at the time of impact
32 was 48.5 miles per hour, and

33 WHEREAS, the seat in which Altavious Carter was sitting was
34 broken as a result of the crash, and Altavious Carter, who was
35 wearing a seatbelt, was thrown into the back of the van, his
36 neck was broken at the C6 level, and he suffered a C6-7 interior
37 subluxation and reversal of normal cervical lordosis, with
38 spinal cord flattening, and

39 WHEREAS, Altavious Carter was taken by ambulance to
40 Wellington Regional Medical Center and subsequently to St.
41 Mary's Medical Center, where he was diagnosed and treated for
42 the injuries he sustained, and

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

46 WHEREAS, following rehabilitation, an MRI taken in June
47 2009 indicated a small herniation at the C7-T1 level,
48 representing the start of degenerative disc disease, and

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

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

56 WHEREAS, Altavious Carter and the Palm Beach County School
57 Board have agreed to a settlement of the claim in the amount of
58 \$790,000, and

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

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

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

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

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

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

87 WHEREAS, the injuries that Dustin Reinhardt sustained were

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88 foreseeable and preventable and the school had a duty to prevent
89 his injuries, and

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

96

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

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

101 Section 2. (1) The Palm Beach County School Board is
102 authorized and directed to appropriate from funds of the school
103 board not otherwise appropriated and, no later than 20 days
104 after the effective date of this act, draw a warrant in the sum
105 of \$790,000, payable to Altavious Carter as compensation for
106 injuries and damages sustained.

107 (2) The amount paid by the Palm Beach County School Board
108 under s. 768.28, Florida Statutes, and the amount awarded under
109 section 2 of this act are intended to provide the sole
110 compensation for all present and future claims arising out of
111 the factual situation described in this act which resulted in
112 injuries to Altavious Carter. The total amount paid for attorney
113 fees relating to this claim may not exceed 25 percent of the
114 total amount awarded under section 2 of this act.

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

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

123 (b) Purchase, for Dustin Reinhardt's benefit, three
124 separate \$1 million annuities, over a successive 3-year period
125 of time. The first annuity shall be purchased in the year this
126 claim bill is enacted with the other two annuities purchased in
127 successive years thereafter. The first annuity shall make annual
128 disbursements to Dustin Reinhardt, to be placed in the Special
129 Needs Trust created for the exclusive use and benefit of Dustin
130 Reinhardt, beginning on or about September 2023. The second and
131 third annuities shall make annual disbursements to Dustin
132 Reinhardt, to be placed in the Special Needs Trust created for
133 the exclusive use and benefit of Dustin Reinhardt, pursuant to
134 their terms.

135 (2) The amount paid by the Palm Beach County School Board
136 pursuant to s. 768.28, Florida Statutes, and the amount awarded
137 under section 3 of this act are intended to provide the sole
138 compensation for all present and future claims arising out of
139 the factual situation described in this act which resulted in
140 injuries and damages to Dustin Reinhardt. Of the amount awarded
141 under section 3 of this act, the total amount paid for attorney
142 fees may not exceed \$940,000, the total amount paid for lobbying
143 fees may not exceed \$235,000, and no amount may be paid for
144 costs and other similar expenses relating to this claim.
145 Attorney or lobbying fees may not be assessed against the value

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146 of the annuity.

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