

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED                                         (Y/N)  
ADOPTED AS AMENDED                         (Y/N)  
ADOPTED W/O OBJECTION                     (Y/N)  
FAILED TO ADOPT                             (Y/N)  
WITHDRAWN                                     (Y/N)  
OTHER                                          

---

1 Committee/Subcommittee hearing bill: Civil Justice & Claims  
2 Subcommittee

3 Representative Drake offered the following:

4  
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

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

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

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

570777 - h6531-strike.docx

Published On: 3/7/2017 7:04:10 PM

Amendment No. 1

17           (2) Purchase an annuity for the sum of \$3 million for  
18 Dustin Reinhardt's benefit. The annuity must provide annual  
19 disbursements to Dustin Reinhardt, to be placed in the Special  
20 Needs Trust created for the exclusive use and benefit of Dustin  
21 Reinhardt, for 3 years, with the first disbursement occurring on  
22 or before September 1, 2023, and the following disbursements  
23 occurring the following 2 years thereafter. Each annual  
24 disbursement must be at least \$1 million.

25           Section 3. The amount paid by the Palm Beach County School  
26 Board pursuant to s. 768.28, Florida Statutes, and the amount  
27 awarded under this act are intended to provide the sole  
28 compensation for all present and future claims arising out of  
29 the factual situation described in this act which resulted in  
30 injuries and damages to Dustin Reinhardt. Of the amount awarded  
31 under this act, the total amount paid for attorney fees may not  
32 exceed \$340,000, the total amount paid for lobbying fees may not  
33 exceed \$85,000, and no amount of the act may be paid for costs  
34 and other similar expenses relating to this claim. Attorney or  
35 lobbyist fees may not be assessed against the value of the  
36 annuity.

37           Section 4. This act shall take effect upon becoming a law.  
38  
39  
40  
41

-----

Amendment No. 1

**T I T L E   A M E N D M E N T**

Remove everything before the enacting clause and insert:  
An act for the relief of Dustin Reinhardt by the Palm Beach County School Board; providing for an appropriation and annuity to compensate him for injuries sustained as a result of the negligence of employees of the Palm Beach County School District; providing that certain payments and the amount awarded under the act satisfy all present and future claims related to the negligent act; providing a limitation on the payment of compensation, fees, and costs; providing an effective date.

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

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

WHEREAS, immediately following the explosion, Dustin Reinhardt was airlifted to St. Mary's Medical Center in West Palm Beach where he underwent multiple surgeries, including

Amendment No. 1

67 skull and facial reconstruction procedures, was placed in a  
68 chemically induced coma, and spent more than 4 weeks in the  
69 intensive care unit, and

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

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

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

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

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

91

570777 - h6531-strike.docx

Published On: 3/7/2017 7:04:10 PM