



**STORAGE NAME:** h6531.CJC

**DATE:** 3/6/2017

**Florida House of Representatives  
Summary Claim Bill Report**

**Bill #:** HB 6531; Relief/Dustin Reinhardt/Palm Beach County School Board

**Sponsor:** Drake

**Companion Bill:** SB 304 by Thurston

**Special Master:** Parker Aziz

**Basic Information:**

<b>Claimants:</b>	Dustin Reinhardt
<b>Respondent:</b>	Palm Beach County School Board
<b>Amount Requested:</b>	\$4,700,000; with \$1,700,000 paid upon passage and \$3,000,000 to purchase annuities.
<b>Type of Claim:</b>	Local equitable claim; result of a settlement agreement.
<b>Respondent's Position:</b>	The Palm Beach County School Board does not oppose the enactment of this claim bill.
<b>Collateral Sources:</b>	Claimant has received \$1,373,000 in collateral sources as the result of settlements with the school teacher, the tire owner, and Claimant's own uninsured motorist policy.
<b>Attorney's/Lobbying Fees:</b>	Claimant's attorney has an agreement with Claimant to take a fee of 25% of Claimant's total recovery. Claimant's attorney has hired a lobbyist and has agreed to pay 5% of any amount of the claim bill in lobbying fees; such payment is included in the attorney's 25% fee. There are no outstanding costs remaining.
<b>Prior Legislative History:</b>	This is the first time this instant claim has been presented to the Legislature.

**Procedural Summary:** On February 25, 2015, a complaint was filed by Scott Reinhardt, individually and as legal guardian of Dustin Reinhardt, in the Circuit Court of the Fifteenth Judicial Circuit in Palm Beach County, alleging negligence on behalf of the School Board of Palm Beach County ("School Board"). The case was settled in January 2017 for \$5,000,000. The terms of the settlement agreement provide, following the School Board's disbursement of \$300,000, \$1,700,000 be paid upon enactment of a claim bill, and the School Board will purchase \$3,000,000 worth of

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annuities that will start payment on September 2023. The School Board approved the settlement on January 18, 2017 and the statutory cap of \$300,000 has been paid.

**Facts of Case:** In September 2013, a sixteen-year old Dustin Reinhardt was starting his junior year at Seminole Ridge High School in Loxahatchee, Florida. As part of his curriculum, Dustin was taking an auto-shop class. On Wednesday, September 4, 2013, Dustin and a friend were inflating air into a large tractor truck tire. This tire was larger than the normal tires that outfit most cars and instead was from the friend's swamp buggy. Dustin had the tire lying flat on the ground and was attempting to fill the rubber inner tube with air from the air hose that was attached to the ceiling. Mr. Raymond Craig, the auto-shop teacher, walked by and instructed Dustin to stand the tire up right and not to stand directly over the tire. Mr. Craig walked away as Dustin continued to inflate the tire.

What happened next is not entirely clear. The tire exploded and the tire's steel rim struck Dustin in his face and head. Dustin was taken by helicopter to St. Mary's Medical Center in West Palm Beach, where he underwent multiple surgeries including skull and facial reconstruction. The steel rim had fractured his skull and crushed several parts of his face. He lost his right eye. A bone from a cadaver was used to reconstruct his forehead. Dustin was placed in a medically induced coma and would spend the next four weeks in the Intensive Care Unit. Dustin was later transferred to a rehab facility at St. Mary's Medical Center and on October 24, 2013, Dustin was discharged home.

Six months later, there was another incident at the Seminole Ridge High School's auto-shop class. In April 2014, a student suffered broken bones and a punctured lung after being hit by a car another student was driving. The School Board ultimately fired Mr. Craig. It was discovered that Mr. Craig had failed to properly supervise the students and follow any approved curriculum. Since these incidents, the School Board has overhauled the auto-shop class by requiring extensive training of both instructors and students, completed a national accreditation for the auto-shop program, and prohibits outside parts from being brought to the shop without thorough inspection. The School Board does not possess tire cages that commercial auto-shops have as a safety precaution for exploding tires. However, the School Board has reported it no longer allows such large tires, similar to the one Dustin was working on, to be worked on in the class and has tire changing equipment designed for and used for ordinary car and truck tires.

Not long after being discharged home, Dustin's father, Scott, came to the realization that Dustin needed full time care and supervision. Dustin had difficulty controlling his anger and could not control his eating. In March of 2013, Dustin was placed at the Florida Institute for Neurologic Rehabilitation to receive supervision and therapy. In December 2016, Dustin moved to NeuroInternational, a comprehensive vocational rehab and support facility located in Sarasota.

Dustin's injuries are severe and life altering. He suffered a traumatic brain injury and the loss of his right eye. He suffered extensive facial fractures, hematoma, and contusions. He underwent a bi-frontal craniotomy. Dr. Lichtblau, a board certified doctor in physical medicine and rehabilitation, evaluated Dustin and believes Dustin will never be able to be gainfully employed. From the evidence presented, it is clear Dustin will need care and supervision for the rest of his life.

His brain injury has impacted his memory and decision making. This has only been highlighted in the years following the accident. While at the Florida Institute for Neurologic Rehabilitation, Dustin spilled gasoline on himself while working on the facility's grounds. Another patient, whom Dustin viewed as a friend, walked up to Dustin and lit Dustin's shirt on fire. Dustin suffered second and third degree burns. Dustin is now 20 years-old but only has the mental capacity of a 12 year-old. Scott Reinhardt, Dustin's father, serves as Dustin's legal guardian.

Dustin accrued significant medical bills but fortunately, the School Board has a catastrophic insurance policy through Mutual of Omaha which has covered all of Dustin's medical expenses and the cost of his rehab facility. However, the insurance policy only provides for ten years of payments

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and will cease in September of 2023. In addition to the \$1,700,000 paid upon enactment of the claim bill, the settlement agreement between Dustin and the School Board provides for the purchase of three separate one million dollar annuities, which will start payment on September 2023.

**Recommendation:** I respectfully recommend that House Bill 6531 be reported **FAVORABLY**.

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Parker Aziz, Special Master

Date: March 6, 2017

cc: Representative Drake, House Sponsor  
Senator Thurston, Senate Sponsor  
Cindy Brown, Senate Special Master