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CS/HB 6549, Engrossed 2

2017 Legislature

1
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.
20

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

25 WHEREAS, while Vincent H. Merriweather was stopped at

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26 | a red light at the intersection of Forest Hill Boulevard
27 | and Olympia Boulevard in Palm Beach County, his vehicle, a
28 | van, was struck by a school bus driven by an employee of
29 | the Palm Beach County School District, and

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

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

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

46 | WHEREAS, following rehabilitation, an MRI taken in
47 | June 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
50 | received a jury verdict against the Palm Beach County

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51 School Board, and the court entered a judgment in the
52 amount of \$1,094,034.30, and

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

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

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

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

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

75 WHEREAS, Dustin Reinhardt has continued to be impacted

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76 | by the injuries he incurred from the explosion, including
77 | the loss of vision in his right eye, short-term memory
78 | loss, and a recent diagnosis of severe traumatic brain
79 | injury, and

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

87 | WHEREAS, because of the explosion, Dustin Reinhardt
88 | continues to live in supervised care at the Neuro
89 | International and is unlikely to ever live an independent
90 | life, and

91 | WHEREAS, the injuries that Dustin Reinhardt sustained
92 | were foreseeable and preventable and the school had a duty
93 | to prevent his injuries, and

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

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

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

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

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

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

121 (a) Appropriate from funds of the school board not
 122 otherwise encumbered and, no later than 30 days after the
 123 effective date of this act, draw a warrant in the sum of \$1.7
 124 million payable to Dustin Reinhardt, to be placed in the Special
 125 Needs Trust created for the exclusive use and benefit of Dustin

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126 Reinhardt, as compensation for injuries and damages sustained.

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

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

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