

Committee Substitute for Senate Bill No. 48

An act relating to Palm Beach County; providing for the relief of Claudia Kautz, mother of Diana M. Kautz, deceased, and Jeffrey Kautz, father of Diana M. Kautz, deceased; providing for an appropriation to compensate them for injuries and damages sustained as a result of the negligence of an employee of the District School Board of Palm Beach County; providing for lobbying fees, attorney's fees, and costs; providing an effective date.

WHEREAS, on November 11, 2004, Maria E. Abrahantes negligently operated a school bus at the intersection of Orange Boulevard and Hall Boulevard in Royal Palm Beach, Palm Beach County, Florida, so that the school bus collided with another vehicle and rolled over, causing serious injury to and the subsequent death of passenger Diana M. Kautz, and

WHEREAS, at the time of the accident, Maria E. Abrahantes was operating the school bus as an employee of the District School Board of Palm Beach County in a southbound direction on Hall Boulevard, and

WHEREAS, at its intersection with Orange Boulevard, a stop sign was visible on Hall Boulevard and five sets of "rumble strips" were in place on the southbound lane leading up to the stop sign, and

WHEREAS, Maria E. Abrahantes negligently operated the school bus by traveling over the rumble strips without braking, thus running the stop sign and entering Orange Boulevard, violating the right-of-way of east-west traffic and causing the truck operated by Jeffrey Schwartz to hit the school bus, which rolled over and caused serious injury to and the subsequent death of Diana M. Kautz, and

WHEREAS, the school district has agreed to pay the claimants, Claudia and Jeffrey Kautz, parents of decedent Diana M. Kautz, the sum of \$200,000, the maximum amount payable under the waiver of sovereign immunity provided under s. 768.28, Florida Statutes, and

WHEREAS, the amount remaining under the claim for damages in the amount of \$1.1 million is \$900,000, a sum that the District School Board of Palm Beach County has agreed to pay, and

WHEREAS, the school district does not oppose the passage of this act, NOW, THEREFORE,

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

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

Section 2. The District School Board of Palm Beach County is authorized and directed to appropriate from funds of the school board not otherwise appropriated and to draw a warrant in the sum of \$900,000 payable to

Claudia and Jeffrey Kautz, parents of Diana M. Kautz, deceased, as compensation for injuries and damages sustained as a result of the negligence of an employee of the District School Board of Palm Beach County. The settlement shall be paid as a single, one-time payment, and, after payment of lobbying fees, attorney's fees, and costs as limited by this act, the remaining moneys shall be distributed as follows:

(1) Fifty percent shall be paid to Claudia Kautz, mother of Diana M. Kautz, deceased; and

(2) Fifty percent shall be paid to Jeffrey Kautz, father of Diana M. Kautz, deceased.

Section 3. Payment for the combined total of professional services and costs incurred by attorneys, lobbyists, and agents or representatives of attorneys or lobbyists shall not exceed \$161,410.

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

Approved by the Governor May 22, 2007.

Filed in Office Secretary of State May 22, 2007.