

## CHAPTER 2016-267

### Committee Substitute for House Bill No. 3515

An act for the relief of Q.B. by the Palm Beach County School Board; providing for an appropriation and annuity to compensate Q.B. for injuries sustained as a result of the negligence of employees of the Palm Beach County School District; providing a limitation on the payment of fees and costs; providing that the appropriation settles all present and future claims related to the negligent act; providing an effective date.

WHEREAS, in January 2007, Q.B. was a 3-year-old exceptional student education student at Glade View Elementary School in the Palm Beach County School District, and

WHEREAS, at that time, Q.B.'s speech and language capabilities were developmentally delayed and Q.B. had virtually no capacity for speech, and

WHEREAS, on January 16, 2007, a school bus owned by the Palm Beach County School District was being driven by a bus driver employed by the district with a bus aide, also employed by the district, riding as a passenger, to transport Q.B. to her home from Glade View Elementary School, and

WHEREAS, at the same time, a 15-year-old male high school student who had emotional and behavioral disabilities and who was considered severely emotionally disturbed by the Palm Beach County School District was also a passenger on the school bus, and

WHEREAS, the 15-year-old male high school student left his assigned bus seat, approached Q.B., and proceeded to sexually assault Q.B. for approximately 15 minutes before the sexual assault was discovered and stopped by the bus aide, and

WHEREAS, neither the bus driver or the bus aide made any effort to require the 15-year-old male high school student to return to his assigned seat in the wake of the sexual assault, but allowed him to remain sitting next to Q.B. for the remainder of the bus ride, and

WHEREAS, the duties of the bus driver and the bus aide included supervising the students on the bus, ensuring that all students were in compliance with bus safety rules, and ensuring the safety of all students on the bus, and

WHEREAS, the bus driver and the bus aide failed to properly supervise the 15-year-old male high school student, failed to properly supervise Q.B., failed to ensure the safety of Q.B., and, as a direct result of the breach of such duties, the 15-year-old male high school student was able to sexually assault Q.B., and

WHEREAS, the sexual assault was captured on video by a camera installed on the school bus, and the sexual assault resulted in physical, emotional, and psychological trauma to Q.B., and further diminished the quality of her life, and

WHEREAS, the Palm Beach County School Board is vicariously liable for the negligence of the bus driver and the bus aide under the doctrine of respondeat superior, s. 768.28(9)(a), Florida Statutes, and

WHEREAS, on January 6, 2010, the parents of Q.B. filed a negligence action against the Palm Beach County School Board in Palm Beach County Circuit Court, styled *T.B. and S.W., as Parents and Natural Guardians of Q.B., a minor, Plaintiff v. The School Board of Palm Beach County, Defendant*, Case No. 502010CA000194MBAA, to recover damages for the injuries sustained by Q.B. due to the sexual assault, and

WHEREAS, six years after the sexual assault and 2 weeks before the commencement of trial, the Palm Beach County School Board admitted liability for negligence and the case proceeded to trial only on the issue of damages, and

WHEREAS, on February 6, 2013, the jury returned a verdict of \$1,777,950 to compensate Q.B. for her injuries and provide for her future care and treatment, and

WHEREAS, the Palm Beach County School Board has paid \$100,000 of the judgment pursuant to the statutory limits of liability under s. 768.28, Florida Statutes, and

WHEREAS, the parties agreed to and approved a settlement on December 16, 2015, which, among other things, requires the Palm Beach County School Board to provide employment coaching and education services to Q.B., and

WHEREAS, the settlement agreement also requires the Palm Beach County School Board to compensate Q.B. in the amount of \$600,000 and to purchase an annuity for Q.B.'s benefit, 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 Palm Beach County School Board is authorized and directed to:

(1) Appropriate from funds of the school board not otherwise appropriated and to draw a warrant in the sum of \$600,000, payable in two annual installments of \$300,000, which, after payment of fees, costs, and expenses as provided in section 3, shall be placed in a special needs trust for the exclusive use and benefit of Q.B. to compensate her for injuries and damages

she sustained as a result of the negligence of employees of the Palm Beach County School District; and

(2) Purchase an annuity for Q.B.'s benefit. The annuity shall provide annual disbursements to Q.B. beginning on June 23, 2024. Each annual payment shall be at least \$14,850. The annuity shall guarantee such annual payments for a minimum of 40 years, for a total guaranteed benefit of \$594,000.

Section 3. The total amount paid for attorney fees, lobbying fees, costs, and other similar expenses relating to this claim may not exceed 25 percent of the amount awarded under this act. Attorney or lobbyist fees may not be assessed against the value of the annuity.

Section 4. The compensation awarded under this act is intended to provide the sole compensation for all present and future claims arising out of the factual situation described in this act which resulted in the injuries to Q.B.

Section 5. This act shall take effect upon becoming a law.

Approved by the Governor March 25, 2016.

Filed in Office Secretary of State March 25, 2016.