

CHAPTER 2017-230

Committee Substitute for House Bill No. 6549

An act relating to the payment of claims by the Palm Beach County School Board; providing for an appropriation to compensate Altavious Carter for injuries sustained as a result of the negligence of a bus driver of the Palm Beach County School District; providing that the amount awarded under the act to Altavious Carter satisfies all present and future claims related to the negligent act; providing a limitation on the payment of fees; providing for an appropriation and annuity to compensate Dustin Reinhardt 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 to Dustin Reinhardt 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 regards to Altavious Carter, he was a 14-year-old freshman at Summit Christian School in Palm Beach County on December 15, 2005, while riding as a passenger in a vehicle driven by Vincent H. Merriweather, and

WHEREAS, while Vincent H. Merriweather was stopped at a red light at the intersection of Forest Hill Boulevard and Olympia Boulevard in Palm Beach County, his vehicle, a van, was struck by a school bus driven by an employee of the Palm Beach County School District, and

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

WHEREAS, the seat in which Altavious Carter was sitting was broken as a result of the crash, and Altavious Carter, who was wearing a seatbelt, was thrown into the back of the van, his neck was broken at the C6 level, and he suffered a C6-7 interior subluxation and reversal of normal cervical lordosis, with spinal cord flattening, and

WHEREAS, Altavious Carter was taken by ambulance to Wellington Regional Medical Center and subsequently to St. Mary's Medical Center, where he was diagnosed and treated for the injuries he sustained, and

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

WHEREAS, following rehabilitation, an MRI taken in June 2009 indicated a small herniation at the C7-T1 level, representing the start of degenerative disc disease, and

WHEREAS, on February 25, 2010, Altavious Carter received a jury verdict against the Palm Beach County School Board, and the court entered a judgment in the amount of \$1,094,034.30, and

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

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

WHEREAS, in regards to Dustin Reinhardt, he was a student at Seminole Ridge Community High School in Loxahatchee in Palm Beach County in September 2013, 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 skull and facial reconstruction procedures, was placed in a chemically induced coma, and spent more than 4 weeks in the intensive care unit, and

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

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

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

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

WHEREAS, Dustin Reinhardt and the Palm Beach County School Board have agreed to a settlement in the sum of \$5 million, and the Palm Beach County School Board has paid \$300,000 of the settlement pursuant to the statutory limits of liability set forth in s. 768.28, Florida Statutes, leaving a remaining balance of \$4.7 million, 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. (1) The Palm Beach County School Board is authorized and directed to appropriate from funds of the school board not otherwise appropriated and, no later than 20 days after the effective date of this act, draw a warrant in the sum of \$790,000, payable to Altavious Carter as compensation for injuries and damages sustained.

(2) The amount paid by the Palm Beach County School Board under s. 768.28, Florida Statutes, and the amount awarded under section 2 of this act are 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 injuries to Altavious Carter. The total amount paid for attorney fees relating to this claim may not exceed 25 percent of the total amount awarded under section 2 of this act.

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

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

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

(2) The amount paid by the Palm Beach County School Board pursuant to s. 768.28, Florida Statutes, and the amount awarded under section 3 of this act are 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 injuries and damages to Dustin Reinhardt. Of the amount awarded under section 3 of this act, the total amount paid for attorney fees may not exceed \$940,000, the total amount paid for lobbying fees may not exceed \$235,000, and no amount may be paid for costs and other similar expenses relating to this claim. Attorney or lobbying fees may not be assessed against the value of the annuity.

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

Approved by the Governor June 2, 2017.

Filed in Office Secretary of State June 2, 2017.