

HB 855

2012

1 A bill to be entitled
2 An act for the relief of Carl Abbott by the Palm Beach
3 County School Board; providing for an appropriation to
4 compensate Carl Abbott for injuries sustained as a
5 result of the negligence of the Palm Beach County
6 School District; providing a limitation on the payment
7 of fees and costs; providing an effective date.

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9 WHEREAS, on June 30, 2008, 67-year-old Carl Abbott was
10 struck by a school bus driven by an employee of the Palm Beach
11 County School District while Mr. Abbott was crossing the street
12 in a designated crosswalk at the intersection of South Anchorage
13 Drive and U.S. 1 in Palm Beach County, and

14 WHEREAS, as a result of the accident, Carl Abbott suffered
15 a closed-head injury, traumatic brain injury, subdural hematoma,
16 and subarachnoid hemorrhage, and

17 WHEREAS, as a result of his injuries, Carl Abbott must now
18 reside in a nursing home, suffers from loss of cognitive
19 function, right-sided paralysis, immobility, urinary
20 incontinence, bowel incontinence, delirium, and an inability to
21 speak, and must obtain nutrition through a feeding tube, and

22 WHEREAS, the Palm Beach County School Board unanimously
23 passed a resolution in support of settling the lawsuit that was
24 filed in this case, tendered payment of \$100,000 to Carl Abbott,
25 in accordance with the statutory limits of liability set forth
26 in s. 768.28, Florida Statutes, and does not oppose the passage
27 of this claim bill in favor of Carl Abbott in the amount of
28 \$1,900,000, as structured, NOW, THEREFORE,

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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 appropriate from funds of the school board not otherwise appropriated and to draw warrants in the amount of \$211,111.11 each fiscal year beginning in 2012 through 2019, inclusive, and \$211,111.12 in the 2020 fiscal year for a total of \$1,900,000, payable to David Abbott, guardian of Carl Abbott, as compensation for injuries and damages sustained as a result of the negligence of an employee of the Palm Beach County School District. The payments shall cease upon the death of Carl Abbott if he dies prior to the last payment being made. However, David Abbott, as guardian of Carl Abbott, shall be guaranteed a minimum payment amount of \$633,333.33 if Carl Abbott dies within 3 years after the effective date of this act. The amount represents three annual payments and shall be payable on the annual due dates.

Section 3. The amount paid by the Palm Beach County School Board pursuant to s. 768.28, Florida Statutes, and this award are intended to provide the sole compensation for all present and future claims against the Palm Beach County School District arising out of the factual situation that resulted in the injuries to Carl Abbott as described in this act. The total amount paid for attorney's fees, lobbying fees, costs, and other similar expenses relating to this claim may not exceed 25

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57 | percent of the total amount awarded under this act.

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