

HB 3529

2014

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.

8  
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

HB 3529

2014

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 \$1.9  
 28 million, as structured, NOW, THEREFORE,

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

31  
 32 Section 1. The facts stated in the preamble to this act  
 33 are found and declared to be true.

34 Section 2. The Palm Beach County School Board is  
 35 authorized and directed to appropriate from funds of the school  
 36 board not otherwise appropriated and to draw warrants in the  
 37 amount of \$211,111.11 each fiscal year beginning in 2014 through  
 38 2021, inclusive, and \$211,111.12 in the 2022-2023 fiscal year  
 39 for a total of \$1.9 million, payable to David Abbott, guardian  
 40 of Carl Abbott, as compensation for injuries and damages  
 41 sustained as a result of the negligence of an employee of the  
 42 Palm Beach County School District. The payments shall cease upon  
 43 the death of Carl Abbott if he dies before the last payment is  
 44 made. However, David Abbott, as guardian of Carl Abbott, shall  
 45 be guaranteed a minimum payment amount of \$633,333.33 if Carl  
 46 Abbott dies within 3 years after the effective date of this act.  
 47 This amount represents three annual payments and shall be  
 48 payable on the annual due dates.

49 Section 3. The amount paid by the Palm Beach County School  
 50 Board pursuant to s. 768.28, Florida Statutes, and the amount

HB 3529

2014

51 awarded under this act are intended to provide the sole  
52 compensation for all present and future claims against the Palm  
53 Beach County School District arising out of the factual  
54 situation that resulted in the injuries to Carl Abbott as  
55 described in the preamble to this act. The total amount paid for  
56 attorney fees, lobbying fees, costs, and other similar expenses  
57 relating to this claim may not exceed 25 percent of the total  
58 amount awarded under this act.

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