

By Senator Horne

6-101C-98

1 A bill to be entitled
2 An act providing for the relief of Carrie A.
3 Wilson; providing an appropriation to reimburse
4 Carrie A. Wilson, a minor, and her mother,
5 Barbara Britt, for injuries sustained by Carrie
6 A. Wilson as a result of the negligence of the
7 Duval County School Board; providing an
8 effective date.

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10 WHEREAS, on January 6, 1992, Carrie A. Wilson was a
11 14-year-old student at DuPont Junior High School in
12 Jacksonville, Florida, and

13 WHEREAS, at that time, Carrie was a bright, vivacious
14 member of the cheerleading squad, and

15 WHEREAS, on the morning of the first day back from the
16 Christmas break, when Carrie was on her way out an exterior
17 door to the science lab, with her arms full of books, she
18 happened to notice that a friend of hers was coming in the
19 door, so she stuck her foot up to stop the door, and

20 WHEREAS, Carrie's foot went through a pane of glass
21 that had been placed in the right-hand corner of the door,
22 which pane consisted of ordinary glass that an employee of the
23 school board had placed in the door, rather than installing
24 the safety glass that state law requires, and

25 WHEREAS, a lawsuit was brought in this matter, and,
26 during trial, it was proven that the school board had violated
27 chapter 682 of the Florida Administrative Code, which provides
28 that all indoor glass must be 1/4-inch safety glass or
29 tempered glass, and

30 WHEREAS, the excuse offered at trial was that, during
31 the Christmas break, someone had broken a window and that,

1 since it was the policy of the school board not to give keys
2 to its employees, they had to use whatever was on the truck,
3 and

4 WHEREAS, it was also proven that the employees knew
5 that they had used the wrong glass and that they had failed to
6 take any corrective action before the students returned to
7 school after a 17-day Christmas break, even though the
8 internal rules and regulations of the school board required
9 them to make permanent repairs so as not to endanger the
10 students, and

11 WHEREAS, Carrie's injuries were catastrophic, in that
12 she severed both the main nerve and the artery in her leg; her
13 sciatic nerve was damaged; her foot has shrunk; her toes have
14 curled; she has had numerous complications due to infection;
15 and, on more than one occasion, physicians have recommended to
16 her mother, Barbara Britt, the removal of her daughter's leg
17 in order to expedite healing, and

18 WHEREAS, Carrie received excellent care in
19 Jacksonville, and there was testimony from physicians at
20 Nemours Childrens Hospital, as well as the Mayo Clinic and
21 University of Florida program at University Hospital, with
22 regard to the extent of her injuries, and

23 WHEREAS, Carrie's medical bills were well over
24 \$100,000, and were unpaid because Barbara Britt's employer had
25 allowed the group coverage to lapse, and Ms. Britt has been
26 hounded for the past 4 years with regard to these medical
27 payments, and

28 WHEREAS, this matter was vigorously contested, and a
29 jury trial was held in August 1995, and

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1 WHEREAS, on August 29, 1995, a jury returned a verdict
2 in the amount of \$2,500,000 in favor of Barbara Britt and her
3 daughter, Carrie A. Wilson, and

4 WHEREAS, in subsequent court hearings, the jury verdict
5 was reduced to \$1,885,657, and

6 WHEREAS, the Duval County School Board appealed the
7 jury's award on both liability and damages, and, in February
8 1997, the First District Court of Appeals affirmed the jury
9 award on all issues, and

10 WHEREAS, the Duval County School Board has paid
11 \$200,000 pursuant to section 768.28, Florida Statutes,
12 Florida's sovereign immunity statute, NOW, THEREFORE,

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

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

18 Section 2. The Duval County School Board is authorized
19 and directed to appropriate and to draw in favor of Carrie A.
20 Wilson, a minor, and her mother, Barbara Britt, a warrant in
21 the amount of \$1,685,657 to compensate them for injuries
22 sustained by Carrie A. Wilson due to the negligence of the
23 school board.

24 Section 3. This act shall take effect upon becoming a
25 law.

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