

By Senator Turner

36-45B-99

1 A bill to be entitled
2 An act relating to the Polk County School
3 Board; providing for the relief of Carol Wyke,
4 mother of Shawn Wyke, deceased minor, for
5 injuries and damages sustained as a result of
6 the negligence of the school board; providing
7 an effective date.

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9 WHEREAS, on October 15, 1989, 13-year-old Shawn Wyke
10 attempted suicide, but was deterred by a lunchroom attendant
11 at McLaughlin Middle School in Lake Wales, Polk County,
12 Florida, where he was a 6th-grade student, and

13 WHEREAS, the lunchroom attendant immediately notified a
14 school administrator, but the administrator failed to offer
15 counseling to Shawn, failed to place him in protective
16 custody, and failed to notify his mother, Carol Wyke, and

17 WHEREAS, on or about October 16, 1989, Shawn Wyke again
18 attempted to hang himself in one of the bathrooms at
19 McLaughlin, and

20 WHEREAS, on that occasion, another student intercepted
21 Shawn and talked him out of doing so, and

22 WHEREAS, the administrator was notified of the incident
23 that same day, and again failed to provide adequate
24 supervision and counseling, failed to place Shawn Wyke in
25 protective custody, and failed to notify Shawn's mother, and

26 WHEREAS, on the evening of October 17, 1989, Shawn Wyke
27 committed suicide at his home in Lake Wales, and

28 WHEREAS, at no time prior to Shawn's death had Carol
29 Wyke been notified of his two previous suicide attempts, and

30 WHEREAS, Carol Wyke brought suit against the Polk
31 County School Board in federal court, alleging negligence

1 under section 768.28, Florida Statutes, and bringing a claim
2 under 42 U.S.C. 1983 for a violation of her constitutional
3 rights in connection with the death of her son, and

4 WHEREAS, the trial judge dismissed the federal claim,
5 but the state law negligence claim against the Polk County
6 School Board was given to the jury to decide, and

7 WHEREAS, the jury found the Polk County School Board to
8 be 33 percent negligent for failing to properly supervise and
9 protect Shawn Wyke and found that this negligence was the
10 proximate cause of his death, and

11 WHEREAS, the jury awarded damages in the amount of
12 \$500,000, and the court entered a final judgment in favor of
13 Carol Wyke in the amount of \$165,000, representing the jury's
14 apportionment of fault against the school board, and

15 WHEREAS, the judgment was appealed and was affirmed by
16 the Eleventh Circuit on April 27, 1998, and

17 WHEREAS, after the school board has paid the statutory
18 limit of \$100,000, the outstanding amount of the judgment will
19 be \$65,000, and

20 WHEREAS, Carol Wyke has also incurred court costs,
21 NOW, THEREFORE,

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

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

27 Section 2. The District School Board of Polk County is
28 authorized and directed to compensate Carol Wyke, out of funds
29 of the school board not otherwise allocated, in the amount of
30 \$65,000 plus court costs for injuries and damages sustained as
31 a result of the school board's negligence.

1 Section 3. This act shall take effect upon becoming a
2 law.
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