

By Senator Casas

33-95-00

1 A bill to be entitled
2 An act relating to the Broward County School
3 Board; providing for the relief of Andrew
4 Greene for legal fees and costs relating to
5 damages sustained as a result of the school
6 board's negligence and invasion of privacy;
7 providing an effective date.

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9 WHEREAS, in September 1992, Mr. Andrew Greene, an
10 employee of the Broward County School Board, was injured and
11 his rights were violated when the school board released to the
12 media derogatory and inflammatory information, including
13 personal medical records and personnel records, concerning Mr.
14 Greene, and

15 WHEREAS, by releasing information from Andrew Greene's
16 personnel file, the school board violated section 231.291,
17 Florida Statutes, which requires the board to provide 10 days'
18 notice to employees prior to the release of any derogatory
19 material in their personnel file, and

20 WHEREAS, that statute provides that employee medical
21 records, including psychiatric and psychological records,
22 shall be confidential and are not to be made public, and

23 WHEREAS, as a result of the release of Mr. Greene's
24 confidential personnel file, the print media published
25 derogatory and inflammatory articles prior to a runoff
26 election held on October 1, 1992, resulting in the loss of his
27 job with the Broward County School Board, and

28 WHEREAS, in September 1992, Mr. Greene was a candidate
29 for the Broward County School Board and was preparing for a
30 runoff election to be held on October 1, 1992, and Mr. Greene
31 subsequently lost that election, and

1 WHEREAS, Mr. Greene's attorneys, in August 1993, filed
2 suit against the county, alleging that releasing the
3 information from Mr. Greene's personnel file constituted
4 negligence and invasion of privacy on the part of the Broward
5 County School Board, and

6 WHEREAS, in 1995, an offer of judgment in the amount of
7 \$225,000 was made for the settlement of the entire suit, and
8 that offer was rejected by the school board, and

9 WHEREAS, the Circuit Court of the 17th Judicial Circuit
10 in and for Broward County, Florida, in Case No. 93-22732 found
11 the Broward County School Board 100 percent negligent and, on
12 October 10, 1997, awarded Mr. Greene \$250,000 for negligence
13 and \$600,000 for invasion of privacy, and

14 WHEREAS, Mr. Andrew Greene believes he is entitled to
15 legal fees of \$212,000, which equals 25 percent of the amount
16 awarded, and to legal costs in the amount of \$16,000, and

17 WHEREAS, the Broward County School Board is responsible
18 for paying Mr. Greene \$100,000 under the statutory limits on
19 the waiver of sovereign immunity, which will leave a balance
20 owed of \$978,000, NOW, THEREFORE,

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

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

26 Section 2. The Broward County School Board is
27 authorized and directed to compensate Andrew Greene in the
28 amount of \$1,078,000 out of funds of the school board not
29 otherwise appropriated, including \$250,000 for negligence,
30 \$600,000 for invasion of privacy, \$212,000 in legal fees, and
31 \$16,000 in legal costs, for injuries and damages sustained as

1 a result of the school board's release of Mr. Greene's
2 confidential personnel files in violation of section 231.291,
3 Florida Statutes.

4 Section 3. This act shall take effect upon becoming a
5 law.

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