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1 A bill to be entitled

2 An act relating to Lee County; providing for the relief of
3 Jacob P. Darna; providing for an appropriation to
4 compensate him for injuries sustained as a result of the
5 negligence of the Lee County School Board; providing an
6 effective date.

7
8 WHEREAS, on May 23, 1995, Jacob P. Darna was a 10-year-old
9 fifth-grade student who accompanied his elementary school class
10 on an orientation trip to Trafalgar Middle School in Cape Coral,
11 Lee County, Florida, and

12 WHEREAS, Jacob P. Darna's elementary school had no
13 bleachers and he had little experience in walking on bleachers,
14 and

15 WHEREAS, the bleachers at the Trafalgar Middle School
16 gymnasium have lines on them indicating that the occupancy level
17 should be one person per set of lines; however, the teachers did
18 not seat the students according to the occupancy levels, and, in
19 some instances, the teachers admitted that they "packed the kids
20 in there," and

21 WHEREAS, the bleachers were "pullout" bleachers and had no
22 aisles to walk down, although there were metal railings at each
23 end to ensure that the children would not fall off the sides,
24 and

25 WHEREAS, upon completion of the program, the children did
26 not receive specific instruction from the teachers to walk to
27 the end of the rows before descending so they proceeded down the
28 seats en masse in an unstructured and unsupervised manner, and

29 WHEREAS, Jacob P. Darna, upon reaching the row of seats
30 closest to the gymnasium floor, felt a push from the crowd



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31 behind him and fell to the ground, landing on his knee and hip,
32 and

33 WHEREAS, Jacob P. Darna was transported from the accident
34 scene by emergency medical services personnel and was taken to
35 Cape Coral Hospital and subsequently transferred to Lee Memorial
36 Hospital, and

37 WHEREAS, it was determined that Jacob P. Darna suffered a
38 Grade III slipped capital femoral epiphysis of his left hip, and

39 WHEREAS, surgery was immediately performed on Jacob P.
40 Darna and pins and screws were placed in his hip, and

41 WHEREAS, following the surgery, Jacob P. Darna was left
42 with a significant limp and will continue to suffer with a limp
43 the rest of his life and has been advised by his doctors that he
44 will need a full-hip replacement in the future, and

45 WHEREAS, as a result of his injury and resulting surgeries,
46 Jacob P. Darna had to undergo further surgery to his non-injured
47 leg to shorten it in an effort to compensate for the difference
48 in the length of his two legs, and

49 WHEREAS, Jacob P. Darna's medical bills totaled \$32,100.91,
50 and the Lee County School Board was given the opportunity to
51 settle this matter for \$20,000, based upon an offer of judgment,
52 but the highest offer the board made was \$5,000, and

53 WHEREAS, the matter went to a jury trial and Jacob P. Darna
54 was awarded \$268,750, and, as of June 13, 2001, the school board
55 had not appealed the judgment, but verbally indicated that it
56 will pay the amount it owes under section 768.28, Florida
57 Statutes, and

58 WHEREAS, the claimant and the Lee County School Board have
59 agreed to a settlement of the claim in the amount of \$75,000,
60 and



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61 WHEREAS, after payment of the amount owed pursuant to
62 section 768.28, Florida Statutes, the remaining excess judgment
63 amount will be \$75,000, NOW, THEREFORE,
64

65 Be It Enacted by the Legislature of the State of Florida:
66

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

69 Section 2. The Lee County School Board is authorized and
70 directed to appropriate from funds of the school board not
71 otherwise appropriated and to draw a warrant in the sum of
72 \$75,000, which amount includes statutory attorney's fees and
73 costs, payable to Jacob P. Darna to compensate him for injuries
74 and damages sustained as a result of the negligence of the Lee
75 County School Board.

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