

By Senator Galvano

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1 A bill to be entitled

2 An act for the relief of Sean McNamee and his parents,  
3 Todd McNamee and Jody McNamee, by the School Board of  
4 Hillsborough County; providing for an appropriation to  
5 compensate them for injuries and damages sustained by  
6 Sean McNamee as a result of the negligence of  
7 employees of the School Board of Hillsborough County;  
8 providing a limitation on the payment of compensation,  
9 fees, and costs; providing an effective date.

10  
11 WHEREAS, on October 9, 2013, Sean McNamee, a minor student  
12 and member of the football team at Wharton High School,  
13 participated in a warm-up session as part of organized team  
14 activities at the start of football practice, and

15 WHEREAS, during a passing drill, Sean McNamee lost his  
16 balance when he came into contact with another player, and while  
17 falling to the ground, struck his head on a paint machine used  
18 to line the practice field which had been improperly left in the  
19 practice area, and

20 WHEREAS, Sean McNamee appeared confused, disoriented, and  
21 not "symptom free" while in the training and locker rooms for  
22 evaluation and treatment by the school's athletic trainer, and

23 WHEREAS, the coaching and training staff did not properly  
24 evaluate or assess Sean McNamee for a concussion or head injury,  
25 left him unattended, did not call 911 or summon a physician or  
26 ambulance, and did not immediately notify Sean's parents of the  
27 possibility that their son had sustained a brain injury, and

28 WHEREAS, the coaching and training staff responsible for  
29 the supervision and welfare of participating student athletes  
30 should have known of the severity of the injury experienced by  
31 Sean McNamee and were responsible for ensuring he received  
32 appropriate and timely evaluation and attention, and

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33 WHEREAS, after being left alone for an extended time, Sean  
34 McNamee drove himself home, endangering himself and others, and  
35 there his sister found him incoherent and acting strangely, and  
36 she notified their father, Todd McNamee, who rushed him to the  
37 emergency department at Florida Hospital Tampa, and

38 WHEREAS, physicians at Florida Hospital Tampa diagnosed  
39 Sean McNamee with a traumatic brain injury from a depressed  
40 temporal bone fracture with epidural and subdural hemorrhage  
41 which required multiple brain surgeries, including emergency  
42 decompression craniotomy, a 9-day induced coma, and  
43 reconstruction with a titanium plate permanently inserted into  
44 his fractured skull, and

45 WHEREAS, as a result of the traumatic brain injury and  
46 delayed treatment, Sean McNamee suffers from permanent and  
47 significant changes in his cognitive functions and from an  
48 epileptic seizure disorder with breakthrough episodes, and

49 WHEREAS, Sean McNamee and his parents Todd McNamee and Jody  
50 McNamee brought suit against the School Board of Hillsborough  
51 County in the Circuit Court of the Thirteenth Judicial Circuit  
52 in and for Hillsborough County, Case No 14-CA-009239, and the  
53 parties entered into a court-ordered mediation on September 14,  
54 2015, and

55 WHEREAS, the School Board of Hillsborough County approved a  
56 settlement in the amount of \$2 million, paid the statutory limit  
57 of \$300,000 under s. 768.28, Florida Statutes, and further  
58 agreed to support the passage of this claim bill in the amount  
59 of \$1.7 million for the unpaid portion of the settlement, NOW,  
60 THEREFORE,

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

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

66 Section 2. The School Board of Hillsborough County is  
67 authorized and directed to appropriate from funds not otherwise  
68 encumbered and to draw a warrant in the sum of \$1.7 million  
69 payable to Sean McNamee and his parents Todd McNamee and Jody  
70 McNamee as compensation for injuries and damages sustained as a  
71 result of the negligence of employees of the School Board of  
72 Hillsborough County.

73 Section 3. The amount paid by the School Board of  
74 Hillsborough County under s. 768.28, Florida Statutes, and the  
75 amount awarded under this act are intended to provide the sole  
76 compensation for all present and future claims arising out of  
77 the factual situation described in this act which resulted in  
78 injuries to Sean McNamee and damages to Todd McNamee and Jody  
79 McNamee. The total amount paid for attorney fees, lobbying fees,  
80 costs, and similar expenses relating to this claim may not  
81 exceed 25 percent of the amount awarded under this act.

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