



**STORAGE NAME:** h6503.CJC

**DATE:** 3/6/2017

**Florida House of Representatives  
Summary Claim Bill Report**

**Bill #:** HB 6503; Relief/Sean McNamee, Todd & Jody McNamee/School Board of Hillsborough County

**Sponsor:** Shaw

**Companion Bill:** SB 40 by Galvano

**Special Master:** Parker Aziz

**Basic Information:**

<b>Claimants:</b>	Sean McNamee, and his parents, Todd McNamee and Jody McNamee
<b>Respondent:</b>	School Board of Hillsborough County
<b>Amount Requested:</b>	\$1,700,000
<b>Type of Claim:</b>	Local equitable claim; result of a settlement agreement
<b>Respondent's Position:</b>	The School Board of Hillsborough County supports passage of the claim bill.
<b>Collateral Sources:</b>	None reported.
<b>Attorney's/Lobbying Fees:</b>	Claimant's attorney has an agreement with Claimant to take a fee of 25% of Claimant's total recovery. Claimant's attorney has hired a lobbyist and has agreed to pay 5% of any amount of the claim bill in lobbying fees; such payment is included in the attorney's 25% fee. There are no outstanding costs remaining.
<b>Prior Legislative History:</b>	This is the first time this claim has been introduced to the Legislature.

**Procedural Summary:** On September 12, 2014, Sean McNamee, along with his parents Todd and Jody McNamee ("Claimants"), filed a lawsuit against the School Board of Hillsborough County ("School Board") in the Circuit Court of the Thirteenth Judicial Circuit, in and for Hillsborough County. A year later, on September 14, 2015, the parties attended a court-ordered mediation and agreed to settle the lawsuit for \$2,000,000. Pursuant to the settlement, the School Board has paid the sovereign immunity limit of \$300,000.

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**Facts of Case:** On the afternoon of October 9, 2013, a sixteen year old Sean McNamee was participating in the Wharton High School football team practice when he struck his head on a machine used to paint the field. The machine had been inadvertently left on the practice field by head coach David Mitchell. The football players, in accordance with Coach Mitchell's instructions, were wearing no pads and no helmets and performing passing drills. At approximately 3:45 PM, Sean, while attempting to catch a pass, collided with another player and fell on the machine used to paint the field. Sean's fellow players stopped the drill and alerted the coaching staff of Sean's fall. The coaching staff instructed Sean to go to the locker room to be seen by the athletic trainer, Timothy Koecher.

Security cameras at the school show Sean walking to the locker room alone. A few minutes later, Trainer Koecher leads Sean into the training room next to the locker room. Trainer Koecher is seen on camera entering and exiting the training room and building three times in a span of approximately 30 minutes, often leaving Sean alone with his head injury. When Trainer Koecher was with Sean, he evaluated Sean's head and instructed Sean to place ice on the injury site. In the student injury report filled out by Trainer Koecher, he notes a bruise on Sean's head, mentions applying ice and contacting Sean's mother, Jody. Trainer Koecher failed to notice any symptoms that Sean was concussed or call for emergency care. It would later be discovered that Sean's skull was fractured.

Sean, suffering from agonizing pain, left the training room and building unattended at 4:20 PM and drove off in his car. Roughly thirty minutes later, Coach Mitchell and Trainer Koecher return to the training room looking for Sean and discovered that Sean had left. After arriving home, Sean's speech became incoherent and his father, Todd, drove him to the emergency room at Florida Hospital Tampa. The doctors discovered Sean's skull was fractured with internal bleeding and swelling in the brain. To reduce the pressure on his brain, a craniotomy was performed in which a portion of Sean's skull was removed to reduce the swelling. Nine days later, Sean emerged from a medically induced coma. In December of 2013, a cranioplasty was performed to put Sean's skull fragment back, secured with a titanium plate.

Following extensive therapy, Sean was able to return to school but his injury would continue to plague him. Dr. Veronica Clement, a neuropsychologist, evaluated Sean in January of 2014 and found significant impairment in Sean's cognitive functioning. Starting in 2015, Sean began to experience seizures that often require hospitalization and plague him still today. Sean has made great strides in recovering from his injury, including graduating from high school, but from testimony given at the special master hearing by Sean's parents, Sean's seizures and memory loss will likely deny him the ability to live an independent life.

Given Sean's extensive medical procedures, he has incurred significant medical costs and still has outstanding medical liens of \$230,941.16. Per the terms of the settlement agreement, the School Board has aided Sean and his parents in securing an insurance policy to help pay the outstanding liens. Additionally, Sean's parents have set up an irrevocable trust to provide for Sean's needs, in which the remaining claim bill award will fund.

**Recommendation:** I respectfully recommend that HB 6503 be reported **FAVORABLY**.

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cc: Representative Shaw, House Sponsor  
Senator Galvano, Senate Sponsor  
Daniel Looke, Senate Special Master