

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.

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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

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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

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

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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
65 are 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

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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.