

Committee Substitute for Senate Bill No. 20

An act relating to Lee County; providing for the relief of Jacob P. Darna, for injuries sustained as a result of the negligence of the Lee County School Board; providing an effective date.

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

WHEREAS, Jacob's elementary school had no bleachers and he had little experience in walking on bleachers, and

WHEREAS, the bleachers at the Trafalgar Middle School gymnasium have lines on them indicating that the occupancy level should be 1 person per set of lines; however, the teachers did not sit the students according to the occupancy levels, and, in some instances, the teachers admitted that they "packed the kids in there," and

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

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

WHEREAS, Jacob P. Darna, upon reaching the row of seats closest to the gymnasium floor, felt a push from the crowd behind him and fell to the ground, landing on his knee and hip, and

WHEREAS, Jacob was transported from the accident scene by emergency medical services personnel and was taken to Cape Coral Hospital, and subsequently transferred to Lee Memorial Hospital, and

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

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

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

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

WHEREAS, Jacob P. Darna's medical bills totaled \$32,100.91, and the Lee County School Board was given the opportunity to settle this matter for

\$20,000, based upon an offer of judgment, but the highest offer the board made was \$5,000, and

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

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

WHEREAS, after payment of the amount paid under section 768.28, Florida Statutes, the remaining excess-judgment amount will be \$75,000, NOW, THEREFORE,

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

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

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

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

Approved by the Governor June 23, 2003.

Filed in Office Secretary of State June 23, 2003.