

CHAPTER 2017-224

Committee Substitute for House Bill No. 6503

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

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

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

WHEREAS, Sean McNamee appeared confused, disoriented, and not “symptom free” while in the training and locker rooms for evaluation and treatment by the school’s athletic trainer, and

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

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

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

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

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

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

WHEREAS, the School Board of Hillsborough County approved a settlement in the amount of \$2 million, paid the statutory limit of \$300,000 under s. 768.28, Florida Statutes, and further agreed to support the passage of this claim bill in the amount of \$1.7 million for the unpaid portion of the settlement, 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 School Board of Hillsborough County is authorized and directed to appropriate from funds not otherwise encumbered and to draw a warrant in the sum of \$1.7 million payable to the Sean R. McNamee Irrevocable Trust as compensation for injuries and damages sustained as a result of the negligence of employees of the School Board of Hillsborough County.

Section 3. The amount paid by the School Board of Hillsborough County under s. 768.28, Florida Statutes, and the amount awarded under this act are intended to provide the sole compensation for all present and future claims arising out of the factual situation described in this act which resulted in injuries to Sean McNamee and damages to Todd McNamee and Jody McNamee. Of the amount awarded under this act, the total amount paid for attorney fees may not exceed \$340,000, the total amount paid for lobbying fees may not exceed \$85,000, and no amount may be paid for costs and other similar expenses relating to this claim.

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

Approved by the Governor June 2, 2017.

Filed in Office Secretary of State June 2, 2017.