



THE FLORIDA SENATE

SPECIAL MASTER ON CLAIM BILLS

Location
408 The Capitol

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404 South Monroe Street
Tallahassee, Florida 32399-1100
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November 16, 2000

SPECIAL MASTER'S FINAL REPORT	DATE	COMM	ACTION
President of the Senate Suite 409, The Capitol Tallahassee, Florida 32399-1100	11/16/00	SM ED FR	Unfavorable

Re: SB 46 – Senator Donald C. Sullivan
Relief of Jane Doe

THIS IS A CLAIM FOR \$500,000 OUT OF THE FUNDS OF THE DISTRICT SCHOOL BOARD OF PINELLAS COUNTY TO COMPENSATE JANE DOE FOR INJURIES AND DAMAGES SUSTAINED DUE TO THE NEGLIGENCE OF THE SCHOOL BOARD.

FINDINGS OF FACT:

On January 4, 1990, Jane Doe, an 11-year-old sixth grade student in Pinellas County, Florida was sexually battered by a 14-year-old eighth grade student inside the school that both attended.

Jane Doe's teacher had sent Jane Doe to the parking lot of the school for the purpose of rolling down the teacher's car windows. When Jane Doe had re-entered the school and was returning to her classroom, she was accosted by the 14-year-old student.

The 14-year-old student had been appointed as a "student assistant" and was allowed to roam the halls despite the fact that his grades were too poor to meet the standards set for that position. Prior to this incident, adults and other students at the school had reported that the 14-year-old student had exhibited other inappropriate sexual behavior.

There was no security in the halls during class time, nor was there security in the parking lot.

As a result of the sexual battery, Jane Doe suffers from post-traumatic stress syndrome, nightmares, and headaches.

She has become withdrawn and unable to fully socialize with others, and has needed and continues to need counseling.

In August 1998 a Pinellas County jury found that the District School Board of Pinellas County was negligent in this matter and awarded \$600,000 in damages to Jane Doe, \$50,000 to her mother and \$50,000 to her father. The School Board appealed the verdict, and the Second District Court of Appeal affirmed the final judgment per curiam.

The School Board has paid the parents' claims and has also paid \$100,000 of the \$600,000 verdict to Jane Doe.

The claimant did not provide the Special Master with information necessary to review the claim. The Special Master made several requests for information and there were several unsuccessful attempts to hold a Pre-Hearing Conference on the matter. On October 12, 2000 Jane Doe's attorney, Kenneth Apgar, wrote a letter to Senator Sullivan, the sponsor of the Claim Bill requesting that the Bill be withdrawn as the claim had been paid by the School Board.

As a result of the foregoing, no Hearing on this matter was conducted by the Special Master.

CONCLUSIONS OF LAW:

As the claimant is not pursuing the claim, it was not reviewed on the merits.

ATTORNEYS FEES:

Not applicable.

RECOMMENDATIONS:

Based upon the request from the Claimant's attorney that the sponsor withdraw the bill due to the fact that the claim has been paid, it is recommended that Senate Bill 46 be reported UNFAVORABLY.

Respectfully submitted,

Connie J. Cellon
Senate Special Master

cc: Senator Donald C. Sullivan
Faye Blanton, Secretary of the Senate
House Claims Committee