

By Senator Flores

39-00096A-19

201932__

1 A bill to be entitled
2 An act for the relief of Dwella Nelson and Robert
3 Nelson by Palm Beach State College; providing for an
4 appropriation to compensate them for injuries and
5 damages sustained as a result of the negligence of
6 Palm Beach State College; providing a limitation on
7 the payment of attorney fees; providing an effective
8 date.

9
10 WHEREAS, on May 17, 2015, Dwella Nelson visited Palm Beach
11 State College in Palm Beach Gardens as an invitee of Palm Beach
12 State College and the Academy of Dance, Music & Theatre, Inc.,
13 for her 5-year-old daughter's dance recital at the Eissey Campus
14 Theatre, and

15 WHEREAS, Mrs. Nelson accompanied her daughter to the
16 dressing room trailer and when exiting the trailer, the ramp
17 beneath Mrs. Nelson collapsed, causing her to fall several feet
18 to the ground and sustain severe injuries, and

19 WHEREAS, on February 16, 2016, Mrs. Nelson and her husband
20 Robert Nelson filed suit against Palm Beach State College and
21 the Academy of Dance, Music & Theatre, Inc., in the Circuit
22 Court of the 15th Judicial Circuit, in and for Palm Beach
23 County, and

24 WHEREAS, on November 2, 2017, in response to a motion filed
25 by Mrs. and Mr. Nelson, the circuit court issued to Palm Beach
26 State College an order to show cause why it failed to timely
27 produce for Mrs. and Mr. Nelson a work order relating to an
28 inspection of the ramp 11 days before it collapsed, which noted
29 the wood of the ramp was sagging and may need to be rebraced,

39-00096A-19

201932__

30 and which was provided to Mrs. and Mr. Nelson only 2 weeks
31 before the scheduled trial, and

32 WHEREAS, on November 9, 2017, the court censured Palm Beach
33 State College for its late disclosure of the work order, and

34 WHEREAS, on March 14, 2018, the court granted a motion by
35 Mrs. and Mr. Nelson for sanctions and final judgment awarding
36 costs and fees, including attorney fees, deposition costs, and
37 expert witness time, against Palm Beach State College, finding
38 that on December 6, 2017, Palm Beach State College untimely
39 produced for Mrs. and Mr. Nelson yet another work order that was
40 dated the day of the ramp collapse, which revealed the ramp's
41 wood was rotten, and finding that Palm Beach State College's
42 discovery violations were extreme in nature, and

43 WHEREAS, after a trial, the jury returned a verdict on
44 April 11, 2018, in favor of Mrs. and Mr. Nelson, and

45 WHEREAS, on April 18, 2018, a final judgment was entered
46 against Palm Beach State College, awarding Dwella Nelson a sum
47 of \$2,625,000 and Robert Nelson a sum of \$80,000, and

48 WHEREAS, Palm Beach State College has paid \$278,250 to
49 Dwella Nelson and Robert Nelson, and the balance of \$2,426,750
50 remains unpaid, NOW, THEREFORE,

51
52 Be It Enacted by the Legislature of the State of Florida:

53
54 Section 1. The facts stated in the preamble to this act are
55 found and declared to be true.

56 Section 2. Palm Beach State College is authorized and
57 directed to appropriate from funds not otherwise encumbered the
58 total amount of \$2,426,750, and to draw warrants payable to

39-00096A-19

201932__

59 Dwella Nelson in the sum of \$2,354,979 and to Robert Nelson in
60 the sum of \$71,771, as compensation for injuries and damages
61 sustained.

62 Section 3. The amount paid by Palm Beach State College
63 pursuant to s. 768.28, Florida Statutes, and the amount awarded
64 under this act are intended to provide the sole compensation for
65 all present and future claims arising out of the factual
66 situation described in this act which resulted in injuries and
67 damages to Dwella Nelson and Robert Nelson. The total amount
68 paid for attorney fees relating to this claim may not exceed 25
69 percent of the total amount awarded under this act.

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