

Bond Case Briefs

Municipal Finance Law Since 1971

LIABILITY - FLORIDA

Limones v. School Dist. of Lee County

Supreme Court of Florida - April 2, 2015 - So.3d - 2015 WL 1472236

Parents of high school student brought action against county school board for negligence, alleging that it breached a common law and statutory duty when it failed to apply an automated external defibrillator (AED) on student after his collapse while playing soccer. The Circuit Court entered summary judgment in favor of school board. Parents appealed. The District Court of Appeal affirmed. Parents sought further review, which was granted.

The Supreme Court of Florida held that:

- District Court of Appeals' decision directly conflicted with Supreme Court decision and thus conflict jurisdiction existed;
- School board owed student a duty to act with reasonable care to take appropriate post-injury efforts to avoid or mitigate further aggravation of injury;
- Jury rather than court was required to determine whether actions of school board's employees breached duty; and
- School board was not immune from suit under the Cardiac Arrest Survival Act.