

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT  
IN AND FOR ALACHUA COUNTY, FLORIDA

ANNEKE ACREE, as parent  
and natural guardian of minor child M.A.,

CASE NO.: 2024 CA 003461  
DIVISION: K

Plaintiff,

vs.

CITY OF ALACHUA, FLORIDA, and the  
ALACHUA COUNTY SCHOOL BOARD,

Defendants.

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**AMENDED COMPLAINT**

Plaintiff, ANNEKE ACREE, as parent and natural guardian of minor child M.A., ("Plaintiff"), hereby files her Amended Complaint before a Responsive Pleading has been filed pursuant to Fla. R. Civ. P. Rule 1.190 (a), and alleges:

**NATURE OF THE ACTION**

1. This is an action for damage brought under the laws of the State of Florida.
2. This action involves claims which are, individually, more than Fifty Thousand Dollars (\$50,000.00), exclusive of costs and interest.

**THE PARTIES**

3. At all times relevant hereto, Plaintiff, ANNEKE ACREE, is an individual and a resident of the State of Florida and is *sui juris*.
4. Plaintiff, ANNEKE ACREE is the biological mother and legal guardian of minor child, M.A.
5. At all times relevant hereto, Defendant, CITY OF ALACHUA, FLORIDA ("COA"), is a municipal corporation organized and existing under the laws of the State of

Florida.

6. At all times relevant hereto, Defendant, ALACHUA COUNTY SCHOOL BOARD (“ACSB”) is the entity designated by Art. 9, Sec. IV of the Florida Constitution to operate, control, and supervise the public schools within Alachua County, Florida.

### **CONDITIONS PRECEDENT**

7. Written notices of intent to initiate litigation on behalf of Plaintiff were presented to both Defendants pursuant to Fla. Stat. §768.28(6). (2024) No response was received by Plaintiff from either Defendant within six (6) months and therefore, they are deemed denied by operation of law.

### **THE ULTIMATE FACTS COMMON TO ALL COUNTS**

8. At all times relevant hereto, Travis Yeckring (“YECKRING”), Mac Rendek (“RENDEK”), Timothy Wright (“WRIGHT”), and Michele Faulk (“FAULK”) were employees of ACSB.

9. Santa Fe High School (“SFHS”) is located in Alachua County, Florida, and is under the jurisdiction of ACSB.

10. The COA is located in Alachua County, Florida.

11. The COA contracts with the ACSB to provide protection and safety to the students who attend SFHS by providing School Resource Officers (“SROs”) assigned to SFHS grounds while school is in attendance.

12. The COA fulfilled its obligations under the above referenced contract by providing SROs to SFHS through the Alachua Police Department.

13. SROs, during school hours and school sponsored activities, owe a duty of care to students who attend SFHS.

14. SROs have a special relationship to the students who attend SFHS.
15. The SROs are tasked with student safety on a day-to-day basis while school is in session and during school sponsored activities.
16. Pursuant to Florida Statutes §§39.01(10) and (57), all employees of ACSB, that are assigned to SFHS, are defined as caregivers of students who attend SFHS.
17. ACSB employees, who are assigned to SFHS, owe a reasonable duty of care to students who attend SFHS.
18. All caregivers of students who attend SFHS are “mandatory reporters” of child abuse and neglect, as defined in Florida Statute §39.201.
19. Pursuant to Florida Statute §39.201, all SROs are also categorized as Law Enforcement Officers.
20. All SROs are mandatory reporters of child abuse and neglect as defined in Florida Statute §39.201.
21. All mandatory reporters that fail to report child abuse or neglect pursuant to Florida Statute §39.205 commit a felony of the third degree.
22. All ACSB employees are required to be trained on the mandatory reporting of child abuse and neglect, pursuant to the law.
23. All SROs are trained on the mandatory reporting of child abuse and neglect, pursuant to the law.
24. Pursuant to Florida Statute §1003.21, all children who have attained the age of 6 years or who will have attained the age of 6 years by February 1 of any school year or who are older than 6 years of age but who have not attained the age of 16 years, except as otherwise provided, are required to attend school regularly during the entire school term.

25. During the 2022-2023 school year, Plaintiff's minor daughter, M.A., was in her sophomore year, attending SFHS.

26. While on school grounds and while attending school sponsored events, minor, M.A.'s activities were controlled by SFHS employees and by SROs.

27. While SFHS was in session, YECKRING and M.A. met each other in a hallway located on SFHS grounds. At that time and place, YECKRING forced M.A. to view a sexually explicit photograph of himself located on his personal cell phone. (Hereinafter referred to as the first sexual incident).

28. M.A. did not invite, nor did she want YECKRING to expose her to his sexually explicit photograph.

29. Immediately following the first sexual incident with YECKRING, M.A. began to suffer from acute anxiety resulting in at least one (1) migraine episode.

30. Thereafter, M.A. tried to avoid YECKRING.

31. About one (1) week after the first sexual incident, M.A. was running late to class, when she again encountered YECKRING in the hallway on SFHS grounds.

32. During this encounter YECKRING proceeded to again make sexually charged statements to M.A. resulting in M.A. running to her next scheduled class. This was the second sexual incident between YECKRING and M.A. (Hereinafter referred to as the second sexual incident).

33. After the second sexual incident, and when M.A. arrived at her next class, she told her teacher about the first and the second sexual incidents.

34. Both the first and the second sexual incidents amount to sexual harassment and grooming of M.A. by YECKRING and therefore, amount to child abuse and/or neglect

under Florida law.

35. After reporting the first and second sexual incidences to her Teacher, M.A. went to the SFHS front office to file a formal complaint against YECKRING.

36. After M.A. arrived at the front office on that occasion, RENDEK, the then Assistant Principal at SFHS, came out of his office, met M.A. and showed M.A. to a conference room.

37. M.A., who was then sobbing, told RENDEK about the first and the second sexual incidents of sexual harassment/grooming by YECKRING.

38. After M.A. finished reporting what YECKRING had done to her, RENDEK replied: "This is not the first time I have heard this type of thing about YECKRING."

39. At RENDEK's request, M.A. wrote a formal witness statement/complaint while in the conference room with RENDEK. However, The formal written statement that M.A. wrote at RENDEK's instruction was not maintained, nor was it submitted to the proper authorities as required by Florida Statute §39.201.

40. M.A. was assured by RENDEK that the first and second sexual incidents with YECKRING would be handled.

41. M.A.'s parents were never notified by ACSB or the COA about the first or the second sexual incidents involving their minor child and YECKRING.

42. One (1) to two (2) weeks after the first and the second sexual incidents, and after she had formally reported both incidents to RENDEK, M.A. entered a scheduled class, only to find YECKRING substituting for the usually assigned teacher.

went to the front office and asked to speak with WRIGHT.

43. As a result, M.A. was upset, fearful and panic stricken. She left class and contacted

her mother by telephone who advised her to immediately go to the front office to speak with then SFHS Principal, WRIGHT. M.A. followed her mother's instructions and immediately

44. M.A. spoke with WRIGHT. During the conversation with WRIGHT, M.A. was required to again disclose to WRIGHT everything that had occurred with YECKRING during the first and the second sexual incidents.

45. During M.A.'s report of YECKRING's improper behavior, WRIGHT stated: "We have had some issues in the past like this with YECKRING. This is not the first time I have heard this."

46. During the meeting with WRIGHT and after M.A. had reported the first and the second sexual incidents to WRIGHT, Athletic Director FAULK entered the room where WRIGHT and M.A. were meeting.

47. M.A. was then forced to yet again recount the first and second sexual incidents to FAULK.

48. M.A. was again told by FAULK and WRIGHT that the matter with YECKRING would be properly handled.

49. Prior to YECKRING's sexual misconduct with M.A, ACSB employees had received multiple complaints from numerous children about sexual misconduct by YECKRING. Their complaints were not reported as required by Florida Statute §39.201.

50. Once placed on notice about YECKRING's sexual misconduct, ACSB employees had a heightened duty to protect the children that attended SFHS from YECKRING's misconduct by, at minimum, as mandatory reporters, complying with the law.

51. Once placed on notice of YECKRING's sexual misconduct, ACSB employees did

not take any action to protect children, including M.A., from being a victim in the future of YECKRING's, placing M.A. in a foreseeable zone of risk.

52. Prior to YECKRING's sexual misconduct with M.A., at least one (1) SRO knew about complaints from children about sexual misconduct by YECKRING that were not reported, as required.

53. Once placed on notice about YECKRING's sexual misconduct, SROs had a heightened duty to protect the children that attended SFHS from YECKRING's sexual misconduct, by, at minimum, as mandatory reporters, complying with the law.

54. Once placed on notice of YECKRING's sexual misconduct, SROs did not take any action to protect children, including M.A., from being a victim in the future of YECKRING's, placing M.A. in a foreseeable zone of risk.

55. FAULK had knowledge of YECKRING's prior sexual conduct prior to M.A.'s disclosure to FAULK, as shown by the fact that FAULK threatened a female student with being benched in the next game if she did not stop referring to YECKRING as "PEDO YECK."

56. YECKRING's ACSB personnel file does not contain a single record of any complaint or investigation into sexual harassment, child abuse, or child neglect.

57. ACSB took no action to suspend, investigate, report, dismiss, punish or properly supervise YECKRING after students repeatedly reported incidents of sexual harassment, child abuse and/or child neglect to caretakers and/or mandatory reporters employed by ACSB, placing M.A. in a foreseeable zone of risk to be sexually harassed, groomed abused and/or neglected by YECKRING.

58. COA, through its agents and employees the SROs, did not investigate or report

YECKRING's sexual misconduct after students repeatedly reported incidents of sexual harassment, child abuse and/or child neglect by YECKRING to caretakers and/or mandatory reporters, placing M.A. in a foreseeable zone of risk to be sexually harassed, groomed abused or neglected by YECKRING.

59. As a result of SCSB employees and COA SROs' failure to report the above referenced instances of YECKRING's sexual harassment, grooming, abuse and/or neglect, M.A. was forced to live in constant fear of encountering YECKRING.

60. Despite the fact that YECKRING did not physically touch M.A., M.A.'s emotional trauma manifested physically immediately following each event, in between the events, and long after. M.A. immediately suffered from debilitating physical illness including, but not limited to, migraines-at least one being ocular preventing her from being able to drive, walk, eat, or get out of bed. She also suffered from nausea, sweating, fidgeting, stomach pain, loss of appetite, severe weight loss, hair loss, irregular menstruation cycle, and she was unable to concentrate, retain, or comprehend information which led to her grades significantly declining. Anxiety and depression became her new normal.

61. Because of the foreseeability and gravity of the emotional injury sustained by M.A., and the lack of countervailing policy concerns supporting the "impact rule" the above stated facts of this case fall within the exceptions to the "impact rule" recognized by the First District Court of Appeal in, *Elliott v. Elliott* 58 So. 3d 878, 881 (Fla 1st DCA, 2011) citing *Gracey v. Eaker*, 837 So. 2d 348 (Fla. 2002) and *Rowell v. Holt*, 850 So. 2d 474 (Fla. 2003).

62. COA, through its agents and employees the SROs, failed to document and/or report the repeated complaints by children regarding YECKRING'S sexually inappropriate



conduct.

63. The 2024-2025 school year is M.A.'s Senior year in High School and, rather than being able to enjoy all that comes with being a Senior in High School, she is unable to return to SFHS grounds because of the overwhelming physical, psychological and emotional trauma which she suffers.

64. The one (1) time that M.A. did return to the SFHS grounds, she went with her Mother. On that occasion an ACSB employee treated her with disdain.

65. As a direct and proximate result of all the above referenced incidents, M.A. does not feel safe on SFHS grounds, or during SFHS sponsored events.

66. These experiences have negatively affected M.A.'s right to obtain an education.

**COUNT I**  
**NEGLIGENT SUPERVISION AGAINST ACSB**

67. This is a cause of action against ACSB for Negligent Supervision.

68. Paragraphs one (1) through four (4), six (6) through nine (9), sixteen (16) through eighteen (18), twenty-one (21), twenty-two (22), twenty-four (24) through fifty-one (51), fifty-five (55) through fifty-seven (57), fifty-nine (59) through sixty-one (61) and sixty-three (63) through sixty-six (66) are re-alleged and incorporated herein by reference.

69. Based on the special relationship between schools and their students the school functions at least partially in the place of parents during the school day and during school sponsored events. *See Limones v. School District of Lee Cnty.*, 161 So. 3d 384, 390 (Fla. 2015).

70. At all times relevant, Defendant, ACSB owed a legal duty of care to M.A. to exercise reasonable care in supervising its employees while students are on school

grounds and while students are attending school sponsored events.

71. At all times relevant, Defendant, ACSB owed a legal duty of care to M.A. to ensure that RENDEK, WRIGHT and FAULK followed Florida law as caretakers employed by ACSB and mandatory reporters of child abuse and/or neglect, under Florida law.
72. At all times relevant, Defendant owed a legal duty to M.A. to ensure that proper actions were taken against YECKRING once placed on notice of his propensity to harm children specifically, that the known child abuse and/or neglect that YECKRING engaged in was reported to the proper authorities, pursuant to Florida law.
73. Defendant, ACSB breached its legal duty to M.A. when it knew of YECKRING's dangerous, wrongful actions and failed to supervise him and RENDEK, WRIGHT and FAULK.
74. Defendant ACSB , by being aware of the sexual misconduct of YECKRING and by not properly supervising him created a foreseeable zone of risk to which M.A. was subjected.
75. Defendant ACSB, by being aware of RENDEK, WRIGHT and FAULK's failure to report allegations of child abuse and/or neglect, created a foreseeable zone of risk to which M.A. was subjected.
76. As a direct and proximate result of the above unlawful acts and omissions by Defendant ACSB, M.A. suffered physical and emotional damages, trauma and pain and suffering. The damages are either permanent or continuing and M.A. will suffer the damages in the future.

**WHEREFORE**, Plaintiff prays for all compensatory, general, and special damages allowable under the law, and a grant of such other relief as the Court may deem just and proper.

**COUNT II**  
**NEGLIGENCE PER SE AGAINST ACSB**

77. This is a cause of action against ACSB for Negligence Per Se.
78. Paragraphs one (1) through four (4), six (6) through nine (9), sixteen (16) through eighteen (18), twenty-one (21), twenty-two (22), twenty-four (24) through fifty-one (51), fifty-five (55) through fifty-seven (57), fifty-nine (59) through sixty-one (61) and sixty-three (63) through sixty-six (66) are re-alleged and incorporated herein by reference.
79. ACSB agents and employees are required, pursuant to Florida Statute §39.201, to report immediately to the central abuse hotline established in Florida Statute §39.101, in writing, through call or electronic reporting, if he or she knows or has a reasonable cause to suspect a child is being harmed, abused or neglected by a person responsible for a child's welfare. Failure to do so is a criminal violation of Florida law, categorized in the Florida Penal code as a Third-Degree felony.
80. The above referenced Statute is designed to protect a particular class of persons who are unable to protect themselves from damages such as those suffered by M.A. M.A. is a member of that class. Violation of said Statute constitutes negligence per se. *See Kohl v. Kohl* 149 So. 3d 127, 132 (Fla. 4th DCA (2014)).
81. ACSB, agents and employees violated Florida Statute §39.201 by failing or refusing to report the above referenced acts of harassment, grooming, child abuse and/or neglect.

82. As a direct and proximate result of the violation of Florida Statute §39.201 by Defendant ACSB, M.A. suffered physical and emotional damages, trauma and pain and suffering. The injuries are either permanent or continuing and M.A. will suffer the damages in the future.

**WHEREFORE**, Plaintiff prays for all compensatory, general, and special damages allowable under the law, and grant such other relief the Court may deem just and proper.

**COUNT III**  
**NEGLIGENCE PER SE AGAINST COA**

83. This is a cause of action against COA for Negligence Per Se.

84. Paragraphs one (1) through five (5), seven (7) through fifteen (15), nineteen (19) through twenty-one (21), twenty-three (23) through forty-eight (48), fifty-two (52) through fifty-four (54), fifty-six (56), and fifty-eight (58) through sixty-six (66) are re-alleged and incorporated herein by reference.

85. COA SROs are required, pursuant to Florida Statute §39.201, to report immediately to the central abuse hotline established in Florida Statute §39.101, in writing, through call or electronic reporting, if he or she knows or has a reasonable cause to suspect a child is being harmed, abused or neglected by a person responsible for a child's welfare. Failure to do so is a criminal violation of Florida law, categorized in the Florida Penal code as a Third-Degree felony.

86. The above referenced Statute is designed to protect a particular class of persons who are unable to protect themselves from damages such as those suffered by M.A. M.A. is a member of that class. Violation of said Statute constitutes negligence per se. *See Kohl v. Kohl* 149 So. 3d 127, 132 (Fla. 4th DCA (2014)).

87. COA, agents and employees violated Florida Statute §39.201 by failing or refusing

to report the above referenced acts of harassment, grooming, child abuse and/or neglect.

88. As a direct and proximate result of the violation of Florida Statute §39.201 by Defendant COA, M.A. suffered physical and emotional damages, trauma and pain and suffering. The injuries are either permanent or continuing and M.A. will suffer the damages in the future.

**WHEREFORE**, Plaintiff prays for all compensatory, general, and special damages allowable under the law, and grant such other relief the Court may deem just and proper.

**DEMAND FOR TRIAL BY JURY**

89. Plaintiff hereby demands a trial by jury on all issues set forth herein which are so triable.

Dated this 8<sup>th</sup> day of January, 2025.

**BOBI J. FRANK, P.A.**

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing document was filed electronically and was sent by E-Mail from the Florida Courts' E-Filing Portal system, on all Counsel or parties of record listed below, this 8<sup>th</sup> day of January, 2025.

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