

By Senator Jones

40-21B-01

1 A bill to be entitled
2 An act relating to the Monroe County School
3 District; providing for the relief of Joshua
4 England, a minor, by and through his natural
5 and custodial parent and next best friend,
6 Zerhade Jackson; authorizing and directing the
7 District School Board of Monroe County to
8 compensate Joshua England for personal injuries
9 that he suffered due to the negligence of
10 school board employees; providing an effective
11 date.

12
13 WHEREAS, on September 3, 1999, Joshua England was at
14 the Key West High School swimming pool, along with 10 other
15 students who were enrolled in the school's special education
16 class, and was under the direct and sole supervision of five
17 teachers from Key West High School, who were employees of the
18 District School Board of Monroe County, and

19 WHEREAS, the students, including Joshua, were at the
20 pool to swim; however, Joshua did not know how to swim, a fact
21 that was known by Joshua's teachers, and

22 WHEREAS, the teachers failed to monitor Joshua's
23 activities and his location, inexcusably allowing him to sink
24 unnoticed to the bottom of the pool, and

25 WHEREAS, when the teachers found Joshua at the bottom
26 of the pool, he was not breathing, and

27 WHEREAS, he was subsequently airlifted to Miami
28 Children's Hospital, where he remained for approximately 3
29 months, and

30
31

1 WHEREAS, Joshua was subsequently stabilized and
2 transferred to the special care/vent care unit of North Shore
3 Hospital, where he remains in a vegetative state, and

4 WHEREAS, Joshua will require full-time,
5 around-the-clock nursing care for the remainder of his life,
6 and

7 WHEREAS, in May 2000, a suit was filed on Joshua's
8 behalf against the District School Board of Monroe County, and

9 WHEREAS, the plaintiffs and the school board have
10 entered into a stipulation of settlement by which both parties
11 agree that Joshua will seek a claim bill under which the
12 school board will pay \$2.5 million above the amount already
13 paid to settle claims relating to this matter, and

14 WHEREAS, the agreement further specifies the payment
15 schedule that is to be followed, NOW, THEREFORE,

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. The facts stated in the preamble to this
20 act are found and declared to be true.

21 Section 2. (1) The District School Board of Monroe
22 County is authorized and directed to compensate Joshua
23 England, a minor, by and through his natural and custodial
24 parent and next best friend, Zerhade Jackson, in the amount of
25 up to \$2.5 million, in accordance with the stipulation of
26 settlement between Joshua England, a minor, and the school
27 board, for injuries and damages sustained, out of funds of the
28 District School Board of Monroe County not otherwise
29 appropriated.

30 (2) The District School Board of Monroe County shall
31 pay the agreed-upon sums to Zerhade Jackson, for the benefit

1 of Joshua England, in accordance with the terms of the payment
2 schedule set forth in the Stipulation of Settlement signed on
3 July 21, 2000, and approved by the court on July 25, 2000.

4 Section 3. This act shall take effect upon becoming a
5 law.

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31