

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, authorizing and directing the
5 District School Board of Monroe County to
6 compensate Joshua England for personal injuries
7 that he suffered due to the negligence of
8 school board employees; providing for the use
9 of such funds; providing for forfeiture and
10 reversion of the funds; providing for trustee
11 qualifications; providing an effective date.
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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
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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 March 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,

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

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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, for injuries and damages he sustained as the
24 result of the negligence of employees of the school district,
25 in the amount of \$2.5 million. This amount shall be paid as
26 follows:

27 (a) The sum of \$1.5 million, less sums due for
28 attorney's fees and costs, and any outstanding medical liens,
29 shall be placed in a Special Needs Trust for the benefit of
30 Joshua England on July 1, 2001; and

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1 (b) The sum of \$200,000 shall be placed in the Special
2 Needs Trust for the benefit of Joshua England on July 1, 2002,
3 and on each July 1 occurring for 4 years thereafter, until an
4 additional cumulative sum of \$1 million is paid to the Special
5 Needs Trust.

6 (2) If Joshua England dies prior to payment of any
7 sums required in paragraph (1)(b), any unpaid sums due at the
8 time of his death are forfeited on a pro-rated basis for the
9 year of death, and thereafter, the District School Board of
10 Monroe County is not obligated to make any additional
11 payments.

12 (3) Any funds remaining in the Special Needs Trust at
13 the time of Joshua England's death, after the payment of any
14 outstanding Medicaid liens, shall revert to the District
15 School Board of Monroe County.

16 (4) At least one trustee of the Special Needs Trust
17 established for the benefit of Joshua England must possess
18 financial and trust management experience, and may not be a
19 relative of Joshua England. The term "relative" as used in
20 this subsection means a parent, grandparent, sibling, cousin,
21 aunt, uncle, niece or nephew, whether related by whole or half
22 blood, by affinity, or by adoption.

23 Section 3. This act shall take effect upon becoming a
24 law.

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