

By Representative Diaz de la Portilla

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          Monroe County district school board employees;  
11          specifying use of funds; providing for  
12          reversion of funds; providing an effective  
13          date.

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

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

25           WHEREAS, the teachers failed to monitor Joshua  
26          England's activities and his location, inexcusably allowing  
27          him to sink unnoticed to the bottom of the pool, and

28           WHEREAS, when the teachers found Joshua England at the  
29          bottom of the pool, he was not breathing, and

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1           WHEREAS, Joshua England was subsequently airlifted to  
2 Miami Children's Hospital, where he remained for approximately  
3 3 months, and

4           WHEREAS, Joshua England was subsequently stabilized and  
5 transferred to the special care/vent care unit of North Shore  
6 Hospital, where he remains in a vegetative state, and

7           WHEREAS, Joshua England will require full-time,  
8 around-the-clock nursing care for the remainder of his life,  
9 and

10           WHEREAS, in May 2000, a suit was filed on Joshua  
11 England's behalf against the District School Board of Monroe  
12 County, and

13           WHEREAS, the plaintiffs and the school board have  
14 entered into a stipulation of settlement by which both parties  
15 agree that Joshua England will seek a claim bill under which  
16 the school board will pay \$2,500,000 above the amount already  
17 paid to settle claims relating to this matter, and

18           WHEREAS, the agreement further specifies the payment  
19 schedule that is to be followed, NOW, THEREFORE,

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

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23           Section 1. The facts stated in the preamble to this  
24 act are found and declared to be true.

25           Section 2. The District School Board of Monroe County  
26 is authorized and directed to draw a warrant in the sum of  
27 \$1,500,000 payable to Zerhade Jackson, custodial parent and  
28 next best friend of Joshua England, to be placed in the  
29 Special Needs Trust created for the benefit of Joshua England,  
30 a minor, as compensation for injuries and damages sustained.  
31 Commencing July 1, 2002, and continuing each July 1 thereafter

1 through July 1, 2006, the District School Board of Monroe  
2 County is authorized and directed to draw a warrant in the sum  
3 of \$200,000 payable to the Special Needs Trust created for the  
4 benefit of Joshua England, a minor. Upon the death of Joshua  
5 England, the balance in the Special Needs Trust created for  
6 the benefit of Joshua England shall revert to the District  
7 School Board of Monroe County pursuant to the terms of the  
8 Trust agreement.

9           Section 3. This act shall take effect upon becoming a  
10 law.

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