

By Representative Sorensen

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 Monroe County district school board employees;
 9 providing for the use of such funds; providing
 10 for forfeiture and reversion of funds;
 11 providing for trustee qualifications; providing
 12 an effective date.

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

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

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

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

29 WHEREAS, Joshua England was subsequently airlifted to
 30 Miami Children's Hospital, where he remained for approximately
 31 3 months, and

1 WHEREAS, Joshua England 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 England 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
8 England's behalf against the District School Board of Monroe
9 County, and

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

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

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

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

22 Section 2. (1) The District School Board of Monroe
23 County is authorized and directed to appropriate from funds
24 not otherwise appropriated and to draw a warrant payable to
25 the guardian of Joshua England, a minor, for the total amount
26 of \$2,500,000 for injuries and damages sustained due to the
27 negligence of employees of the District School Board of Monroe
28 County. This amount shall be paid as follows:

29 (a) The balance remaining from the sum of \$1,500,000,
30 after payment of statutory attorney's fees and costs and any
31 outstanding medical liens, shall be placed in a Special Needs

1 Trust created for the exclusive use and benefit of Joshua
2 England, a minor, to compensate him for injuries and damages
3 sustained; and

4 (b) The sum of \$200,000 shall be placed in the Special
5 Needs Trust for the exclusive use and benefit of Joshua
6 England on July 1, 2003, and on each July 1 occurring for 4
7 years thereafter, until an additional cumulative sum of
8 \$1,000,000 is paid to the Special Needs Trust.

9 (2) If Joshua England dies prior to payment of any
10 sums required in paragraph (1)(b), any unpaid sums due at the
11 time of Joshua England's death are forfeited on a prorated
12 basis for the year of death, and thereafter the District
13 School Board of Monroe County is not obligated to make any
14 additional payments.

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

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

27 Section 3. This act shall take effect upon becoming a
28 law.

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