

By Senator Campbell

32-91-05

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A bill to be entitled

An act relating to the Palm Beach County School District; providing for the relief of Monika Davis by and through Mary Hall, her mother and legal guardian, for injuries and damages caused by the negligence of the Palm Beach County School District; providing for the use of the funds; providing for attorney's fees and costs; providing an effective date.

WHEREAS, on September 22, 2000, Monika Davis, a mentally challenged, vulnerable adult female, was under the custody, care, and control of the Palm Beach County School District, and

WHEREAS, the Palm Beach County School District was obligated to provide continuous monitoring and supervision of Monika Davis throughout the entire school period, and the school district did, in fact, receive additional staff funding to carry out that obligation, and

WHEREAS, the school district was expressly aware that a male student who functioned at a higher mental level than Miss Davis had sexually assaulted and battered numerous other female students before he sexually battered Monika Davis, and the school district also was obligated to provide continuous monitoring and supervision of that male student throughout the entire school period and received additional funding for that purpose, and

WHEREAS, the Palm Beach County School District left both Monika Davis and the male student in an unsupervised classroom for an extended period of time, which resulted in the vaginal rape of Monika Davis by the male student, and

1 WHEREAS, after 6 days of trial, a Palm Beach County
2 jury returned a verdict finding that the school district's
3 negligence was the legal cause of traumatic psychological
4 injuries and damages suffered by Monika Davis, and

5 WHEREAS, a final judgment in the amount of \$273,416.16
6 was entered by Judge Diana Lewis of the Fifteenth Judicial
7 Circuit, and

8 WHEREAS, the Palm Beach County School District has
9 satisfied \$100,000 of the amount of that judgment, leaving an
10 unpaid balance in the amount of \$173,416.16, NOW, THEREFORE,

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

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

16 Section 2. The Palm Beach County School District is
17 directed to compensate Monika Davis, by and through Mary Hall,
18 her mother and legal guardian, in the amount of \$173,416.16
19 for injuries and damages caused by the negligence of the Palm
20 Beach County School District, such payment to be made in one
21 lump sum out of funds of the school district's reserve account
22 budgeted for such contingencies. After payment of statutory
23 attorney's fees and costs, the balance shall be paid into the
24 restricted guardianship account or the special needs trust
25 account established for Monika Davis.

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