

HB 0065

2005

1 A bill to be entitled
2 An act for the relief of Monika Davis by the Palm Beach
3 County School District; providing for the relief of Monika
4 Davis by and through Mary Hall, her mother and legal
5 guardian, for injuries and damages caused by the
6 negligence of the Palm Beach County School District;
7 providing for the use of funds; providing for attorney's
8 fees and costs; providing an effective date.

9
10 WHEREAS, on September 22, 2000, Monika Davis, a mentally
11 challenged, vulnerable adult female, was under the custody,
12 care, and control of the Palm Beach County School District, and

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

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

26 WHEREAS, the Palm Beach County School District left both
27 Monika Davis and the male student in an unsupervised classroom
28 for an extended period of time, which resulted in the sexual
29 battery of Monika Davis by the male student, and

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

34 WHEREAS, a final judgment in the amount of \$273,416.16 was
 35 entered by Judge Diana Lewis of the Fifteenth Judicial Circuit,
 36 and

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

40

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

42

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

45 Section 2. The Palm Beach County School District is
 46 directed to compensate Monika Davis, by and through Mary Hall,
 47 her mother and legal guardian, in the amount of \$173,416.16 for
 48 injuries and damages caused by the negligence of the Palm Beach
 49 County School District, such payment to be made in one lump sum
 50 out of funds of the school district's reserve account budgeted
 51 for such contingencies. After payment of statutory attorney's
 52 fees and costs, the balance shall be paid into the restricted
 53 guardianship account or the special needs trust account
 54 established for Monika Davis.

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