

HB 1613

2006

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

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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.