

HB 895

2006

1 A bill to be entitled

2 An act for the relief of Maria Gough and Jorge Gough by
3 the Miami-Dade County School Board; providing for the
4 relief of Maria Gough and Jorge Gough, parents and natural
5 guardians of Jaime Gough, a minor, and of Jorge Gough, as
6 personal representative of the estate of Jaime Gough;
7 providing for an appropriation to compensate them for the
8 wrongful death of their son, Jaime Gough, a minor, which
9 was due in part to the Miami-Dade County School Board's
10 negligent failure to prevent foreseeable violence on
11 school grounds; providing an effective date.

12
13 WHEREAS, on February 3, 2004, Jaime Gough, a 14-year-old
14 gifted student and violinist, was fatally stabbed by a classmate
15 in a bathroom at Southwood Middle School in Miami-Dade County,
16 and

17 WHEREAS, according to sworn statements by other students,
18 Jaime's assailant, 14-year-old Michael Hernandez, had brought a
19 knife to the school almost daily, not just on the day of the
20 assault, and

21 WHEREAS, the Miami-Dade County School Board had been
22 advised in 1999 by the President of the National Institute of
23 School Safety to install metal detectors or X-ray machines, but
24 the school board had not done so, and

25 WHEREAS, the Miami-Dade School Board was on notice that
26 crimes frequently occur in the county's schools, since crime
27 statistics kept by the board show, for example, that in the
28 2002-2003 school year, 24,526 offenses were reported in the

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29 | county school system, and that 175 of those offenses involved
30 | the possession of weapons, and

31 | WHEREAS, the Miami-Dade County Police Department's public
32 | records show that, in the 3-year period before Jaime Gough died,
33 | many crimes had occurred at Southwood Middle School, including
34 | batteries, assaults, and possession of weapons, and

35 | WHEREAS, during the school year preceding the year of Jaime
36 | Gough's death, 107 calls for police service were made to the
37 | middle school, and more than 20 arrests were made, and

38 | WHEREAS, the school used lay people whom they did not
39 | adequately train as hall monitors and did not employ trained,
40 | licensed security guards and, consequently, it was common
41 | knowledge among the students at Southwood Middle School that
42 | they could wander around the halls without the required hall
43 | pass, and

44 | WHEREAS, after a student told the hall monitor who was on
45 | duty the day of the homicide that someone's legs were protruding
46 | from a bathroom stall, the monitor did not immediately check the
47 | bathroom but waited until the second time he was asked to go to
48 | the murder scene, and

49 | WHEREAS, teachers at Southwood Middle School knew that
50 | Michael Hernandez had been using school computers to access
51 | sites that feature violent crime, but they had not taken any
52 | disciplinary action or corrective action, and

53 | WHEREAS, upon learning of her son's death, Maria Gough
54 | collapsed, and, subsequently, she experienced depression and was
55 | compelled to quit working, and

56 | WHEREAS, in the wake of his loss, Jorge Gough has

57 | difficulty sleeping, has stated that Maria Gough cannot be
 58 | comforted and that he cannot count on her to do anything at
 59 | home, and he is overwhelmed by all his responsibilities, and

60 | WHEREAS, the murder has caused difficulties between Jaime's
 61 | parents, and this once harmonious family is broken, fragile, and
 62 | devastated, and

63 | WHEREAS, the Miami-Dade County School Board has agreed to
 64 | pay to Maria Gough the sum of \$_____, which includes the
 65 | maximum of \$100,000 payable under section 768.28, Florida
 66 | Statutes, and

67 | WHEREAS, the school board has agreed to pay to Jorge Gough
 68 | the sum of \$_____, which includes the maximum of \$100,000
 69 | payable under section 768.28, Florida Statutes, NOW, THEREFORE,

70 |

71 | Be It Enacted by the Legislature of the State of Florida:

72 |

73 | Section 1. The facts stated in the preamble to this act
 74 | are found and declared to be true.

75 | Section 2. The Miami-Dade County School Board is
 76 | authorized and directed to appropriate from funds of the school
 77 | board not otherwise appropriated, and to draw a warrant payable
 78 | to Maria Gough, as parent and natural guardian of Jaime Gough, a
 79 | minor, in the sum of \$_____ for the wrongful death of
 80 | her son, Jaime Gough.

81 | Section 3. The Miami-Dade County School Board is
 82 | authorized and directed to appropriate from funds of the school
 83 | board not otherwise appropriated, and to draw a warrant payable
 84 | to Jorge Gough, as parent and natural guardian of Jaime Gough, a

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85 minor, and as personal representative of the estate of Jaime
86 Gough, a minor, in the sum of \$ _____ for the wrongful
87 death of his son, Jaime Gough.

88 Section 4. This act shall take effect upon becoming a law.