

By Senator Diaz de la Portilla

36-96-07

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

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

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

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

26 WHEREAS, the Miami-Dade School Board was on notice that
27 crimes frequently occur in the county's schools, since crime
28 statistics kept by the board show, for example, that in the
29 2002-2003 school year, 24,526 offenses were reported in the
30 county school system, and that 175 of those offenses involved
31 the possession of weapons, and

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

6 WHEREAS, during the school year preceding the year of
7 Jaime Gough's death, 107 calls for police service were made to
8 the middle school, and more than 20 arrests were made, and

9 WHEREAS, the school used lay people as hall monitors
10 and had not adequately trained them and did not employ
11 trained, licensed security guards, and it was common knowledge
12 among the students that they could wander around the halls
13 without the required hall pass, and

14 WHEREAS, after a student told the hall monitor who was
15 on duty the day of the homicide that someone's legs were
16 protruding from a bathroom stall, the monitor did not
17 immediately check the bathroom but waited until the second
18 time he was asked to go to the murder scene, and

19 WHEREAS, teachers at Southwood Middle School knew that
20 Michael Hernandez had been using school computers to access
21 sites that feature violent crime, but they had not taken any
22 disciplinary action or corrective action, and

23 WHEREAS, upon learning of her son's death, Maria Gough
24 collapsed, and, subsequently, she experienced depression and
25 was compelled to quit working, and

26 WHEREAS, in the wake of his loss, Jorge Gough has
27 difficulty sleeping, has stated that Maria Gough cannot be
28 comforted and that he cannot count on her to do anything at
29 home, and he is overwhelmed by all his responsibilities, and
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1 WHEREAS, the murder has caused difficulties between
2 Jaime's parents, and this once harmonious family is broken,
3 fragile, and devastated, and

4 WHEREAS, the Miami-Dade County School Board has agreed
5 to pay to Maria Gough the sum of \$_____, which includes the
6 maximum of \$100,000 payable under s. 768.28, Florida Statutes,
7 and

8 WHEREAS, the school board has agreed to pay to Jorge
9 Gough the sum of \$_____, which includes the
10 maximum of \$100,000 payable under s. 768.28, Florida Statutes,
11 NOW, THEREFORE,

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

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

17 Section 2. The Miami-Dade County School Board is
18 directed to compensate Maria Gough, as parent and natural
19 guardian of Jaime Gough, a minor, the sum of \$ _____
20 for the wrongful death of her son, out of funds of the
21 Miami-Dade County School Board.

22 Section 3. The Miami-Dade County School Board is
23 directed to compensate Jorge Gough, as parent and natural
24 guardian of Jaime Gough, a minor, and as personal
25 representative of the estate of the minor, the sum of
26 \$ _____ for the wrongful death of his son, out of
27 funds of the Miami-Dade School Board.

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