

1 A bill to be entitled

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

11  
12 WHEREAS, on February 3, 2004, Jaime Gough, a 14-year-old  
13 gifted student and violinist, was fatally stabbed by a classmate  
14 in a bathroom at Southwood Middle School in Miami-Dade County,  
15 and

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

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

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

HB 1039

2008

29 | the possession of weapons, and

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

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

37 |       WHEREAS, the school used lay people as hall monitors and  
38 | had not adequately trained them and did not employ trained,  
39 | licensed security guards, and it was common knowledge among the  
40 | students that they could wander around the halls without the  
41 | required hall pass, and

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

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

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

54 |       WHEREAS, in the wake of his loss, Jorge Gough has  
55 | difficulty sleeping, has stated that Maria Gough cannot be  
56 | comforted and that he cannot count on her to do anything at

HB 1039

2008

57 | home, and he is overwhelmed by all his responsibilities, and  
 58 |       WHEREAS, the murder has caused difficulties between Jaime's  
 59 | parents, and this once harmonious family is broken, fragile, and  
 60 | devastated, and

61 |       WHEREAS, the Miami-Dade County School Board agreed to pay  
 62 | to Maria Gough and Jorge Gough the sum of \$1,700,000, and

63 |       WHEREAS, of the \$1,700,000 settlement amount, \$700,000 has  
 64 | already been paid, such payment consisting of \$500,000 paid by  
 65 | the United Educators Insurance Company, \$100,000 paid to Maria  
 66 | Gough under s. 768.28, Florida Statutes, and \$100,000 paid to  
 67 | Jorge Gough under s. 768.28, Florida Statutes, leaving a  
 68 | remaining balance of \$1,000,000, NOW, THEREFORE,

69 |

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

71 |

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

74 |       Section 2. The Miami-Dade County School Board is  
 75 | authorized and directed to appropriate from funds of the school  
 76 | board not otherwise appropriated and draw a warrant payable to  
 77 | Maria Gough, as parent and natural guardian of Jaime Gough, a  
 78 | minor, in the sum of \$500,000 for the wrongful death of her son,  
 79 | Jaime Gough.

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

HB 1039

2008

85 Gough, a minor, in the sum of \$500,000 for the wrongful death of  
86 his son, Jaime Gough.

87 Section 4. The amounts awarded in this act are intended to  
88 provide the sole compensation for all present and future claims  
89 arising out of the factual situation described in this act which  
90 resulted in the death of Jaime Gough. The total amount paid for  
91 attorney's fees, lobbying fees, costs, and other similar  
92 expenses relating to this claim may not exceed 25 percent of the  
93 total amount awarded under this act.

94 Section 5. This act shall take effect upon becoming a law.