

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 School Board was on notice that  
21 crimes frequently occur in the county's schools, since crime  
22 statistics kept by the board show, for example, that in the  
23 2002-2003 school year, 24,526 offenses were reported in the  
24 county school system, and that 175 of those offenses involved  
25 the possession of weapons, and

26 WHEREAS, the Miami-Dade County Police Department's public  
27 records show that, in the 3-year period before Jaime Gough died,  
28 many crimes had occurred at Southwood Middle School, including

29 batteries, assaults, and possession of weapons, and

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

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

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

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

47 WHEREAS, upon learning of her son's death, Maria Gough  
48 collapsed, and, subsequently, she experienced depression and was  
49 compelled to quit working, and

50 WHEREAS, in the wake of his loss, Jorge Gough has  
51 difficulty sleeping, has stated that Maria Gough cannot be  
52 comforted and that he cannot count on her to do anything at  
53 home, and he is overwhelmed by all his responsibilities, and

54 WHEREAS, the murder has caused difficulties between Jaime's  
55 parents, and this once harmonious family is broken, fragile, and  
56 devastated, and

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

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

65

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

67

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

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

76 Section 3. The Miami-Dade County School Board is  
 77 authorized and directed to appropriate from funds of the school  
 78 board not otherwise appropriated and draw a warrant payable to  
 79 Jorge Gough, as parent and natural guardian of Jaime Gough, a  
 80 minor, and as personal representative of the estate of Jaime  
 81 Gough, a minor, in the sum of \$500,000 for the wrongful death of  
 82 his son, Jaime Gough.

83 Section 4. The amounts awarded in this act are intended to  
 84 provide the sole compensation for all present and future claims

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85 arising out of the factual situation described in this act which  
86 resulted in the death of Jaime Gough. The total amount paid for  
87 attorney's fees, lobbying fees, costs, and other similar  
88 expenses relating to this claim may not exceed 25 percent of the  
89 total amount awarded under this act.

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