

By Senator Wilson

33-00180A-08

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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 a
9 limitation on the payment of fees and costs; providing an
10 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 advised
21 in 1999 by the President of the National Institute of School
22 Safety to install metal detectors or X-ray machines, but the
23 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 2002-
27 2003 school year, 24,526 offenses were reported in the county
28 school system, and that 175 of those offenses involved the
29 possession of weapons, and

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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 had
38 not adequately trained them and did not employ trained, licensed
39 security guards, and it was common knowledge among the students
40 that they could wander around the halls without the required hall
41 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 sites
49 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 difficulty
55 sleeping, has stated that Maria Gough cannot be comforted and
56 that he cannot count on her to do anything at home, and he is
57 overwhelmed by all his responsibilities, and

58 WHEREAS, the murder has caused difficulties between Jaime's

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59 | parents, and this once harmonious family is broken, fragile, and
60 | devastated, and

61 | WHEREAS, the Miami-Dade County School Board has agreed to
62 | pay to Maria Gough the sum of \$500,000, which includes the
63 | maximum of \$100,000 payable under s. 768.28, Florida Statutes,
64 | and

65 | WHEREAS, the school board has agreed to pay to Jorge Gough
66 | the sum of \$500,000, which includes the maximum of \$100,000
67 | payable under s. 768.28, Florida Statutes, NOW, THEREFORE,

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

70 |

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

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

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

85 | Section 4. The amounts awarded in this act are intended to
86 | provide the sole compensation for all present and future claims
87 | arising out of the factual situation described in this act which

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88 resulted in the death of Jaime Gough. The total amount paid for
89 attorney's fees, lobbying fees, costs, and other similar expenses
90 relating to this claim may not exceed 25 percent of the total
91 amount awarded under this act.

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