

By Senator Gruters

23-00243A-22

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1 A bill to be entitled

2 An act for the relief of victims of the Marjory
3 Stoneman Douglas High School mass casualty incident,
4 by the School Board of Broward County; providing for
5 an appropriation to compensate them for injuries
6 sustained as a result of the negligence of the School
7 Board of Broward County; specifying the claimants
8 among whom the compensation will be allocated;
9 providing a limitation on compensation and the payment
10 of attorney fees; providing an effective date.

11
12 WHEREAS, the School Board of Broward County owned,
13 possessed, and controlled the Marjory Stoneman Douglas High
14 School campus premises on February 14, 2018, and

15 WHEREAS, the School Board of Broward County had a duty of
16 reasonable care toward those permissibly on the school premises,
17 including a duty to reasonably protect students, teachers, and
18 staff from reasonably foreseeable physical harm by intruders on
19 the campus, and

20 WHEREAS, on the afternoon of February 14, 2018, Nikolas
21 Cruz, a former Marjory Stoneman Douglas High School student,
22 trespassed on the campus while carrying a loaded firearm,
23 entered the 1200 building, went on a shooting spree that killed
24 and injured multiple students and teachers, and then fled the
25 scene, after which he was apprehended by law enforcement
26 officers, and

27 WHEREAS, this tragic mass casualty incident resulted in the
28 deaths of fourteen students and three teachers, making this the
29 deadliest high school shooting in United States history, and

23-00243A-22

202284__

30 WHEREAS, some teachers and students suffered gunshot-
31 related injuries, and others suffered posttraumatic stress from
32 this event, and

33 WHEREAS, the negligence of the School Board of Broward
34 County contributed to the damages suffered as a result of the
35 events of February 14, 2018, at Marjory Stoneman Douglas High
36 School, to the extent that School Board of Broward County
37 personnel had information regarding the risk of Nikolas Cruz
38 committing acts of physical harm and violence toward others but
39 failed to take reasonably appropriate action to protect the
40 campus from Nikolas Cruz; were unprepared to deal with repeat
41 trespassers and intruders on campus, such as former students
42 like Nikolas Cruz; were unprepared to address armed intruders on
43 campus; failed to prevent Nikolas Cruz from entering the campus
44 and failed to intercept Nikolas Cruz once he did enter; and were
45 unprepared to respond in the event of an active shooter on
46 campus, and

47 WHEREAS, the claimants specified in this act and the School
48 Board of Broward County intend to resolve, compromise, and
49 settle the claim against the School Board of Broward County by
50 way of a stipulated settlement agreement providing for the entry
51 of a consent final judgment in favor of the claimants and
52 against the School Board of Broward County in the aggregate sum
53 of \$25 million, to be paid in total over three installments,
54 including two payments of \$8,333,333.33, under which the School
55 Board of Broward County will make the first payment within 60
56 days after this act becomes a law and will make the second
57 payment no later than 1 year after the date of the first
58 payment; and a third payment of \$8,333,333.34 no later than 1

23-00243A-22

202284__

59 year after the date of the second payment, and

60 WHEREAS, the claimants intend to agree to a process by
61 which the aggregate sum and each of the three installment
62 payments will be allocated, and

63 WHEREAS, the amounts specified in this act are not intended
64 to constitute full and complete compensation to any victims for
65 their damages, but are intended to satisfy only the claims by
66 the claimants specified in this act against the School Board of
67 Broward County and the School Board of Broward County's share of
68 fault, without regard to any claims of the claimants against
69 other responsible parties and without regard to the liability of
70 others, and

71 WHEREAS, the actions of others may have caused or
72 contributed to the damages resulting from the events of February
73 14, 2018, at Marjory Stoneman Douglas High School, and the
74 amounts specified in this act do not prevent any victims from
75 seeking recoveries from such responsible parties or seeking
76 further claim bills in connection with claims against such
77 responsible parties, and

78 WHEREAS, the parties intend for the settlement to be
79 partially satisfied in the amount of \$300,000, representing the
80 statutory limit that may be paid by the School Board of Broward
81 County pursuant to s. 768.28, Florida Statutes, absent further
82 act of the Legislature, and

83 WHEREAS, the respective claims of the claimants specified
84 in this act against the School Board of Broward County shall be
85 considered fully satisfied upon payment of the aggregate sum by
86 the School Board of Broward County as provided in this act,
87 pursuant to a claim bill authorized by the Legislature, and

23-00243A-22

202284__

88 WHEREAS, the parties acknowledge that a settlement
89 agreement and consent final judgment must be approved, and

90 WHEREAS, the School Board of Broward County has agreed not
91 to oppose or object to the passage of this act, will cooperate
92 in and support passage of this act, and has agreed to make a
93 good faith effort to provide testimony to the Legislature as
94 requested, NOW, THEREFORE,

95

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

97

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

100 Section 2. The School Board of Broward County is authorized
101 and directed to appropriate from funds not otherwise encumbered
102 and to draw a warrant in the aggregate sum of \$25 million, to be
103 paid in total over three installments with the School Board of
104 Broward County making the first payment of \$8,333,333.33 within
105 60 days after this act becomes a law and making the second
106 payment of \$8,333,333.33 no later than 1 year after the date of
107 the first payment, and a third payment of \$8,333,333.34 no later
108 than 1 year after the date of the second payment, payable to the
109 Grossman Roth Yaffa Cohen, P.A., Trust Account for the benefit
110 of the claimants of the Marjory Stoneman Douglas High School
111 mass casualty incident of February 14, 2018, specified in this
112 act as compensation for injuries and damages sustained.

113 Section 3. The following claimants intend to agree to a
114 process to allow for the allocation of the aggregate sum and,
115 accordingly, each of the three installment payments:

116 (1) The Estate of Peter Wang;

23-00243A-22

202284__

- 117 (2) The Estate of Gina Rose Montalto;
118 (3) The Estate of Cara Marie Loughran;
119 (4) The Estate of Alyssa Alhadeff;
120 (5) The Estate of Scott Beigel;
121 (6) The Estate of Joaquin Oliver;
122 (7) The Estate of Martin Duque Anguiano;
123 (8) The Estate of Nicholas Dworet;
124 (9) The Estate of Aaron Feis;
125 (10) The Estate of Christopher Hixon;
126 (11) The Estate of Jaime Guttenberg;
127 (12) The Estate of Luke Hoyer;
128 (13) The Estate of Alaina Petty;
129 (14) The Estate of Meadow Pollack;
130 (15) The Estate of Helena Ramsay;
131 (16) The Estate of Alex Schachter;
132 (17) The Estate of Carmen Schentrup;
133 (18) Ashley Baez;
134 (19) Isabel Chequer;
135 (20) Justin Colton;
136 (21) Alexander Dworet;
137 (22) Samantha Fuentes;
138 (23) Samantha Grady;
139 (24) Marian Kabachenko;
140 (25) Kyle Laman;
141 (26) Stacey Lippel;
142 (27) Samantha Mayor;
143 (28) Daniela Menescal;
144 (29) William Olson;
145 (30) Benjamin Wikander;

23-00243A-22

202284__

- 146 (31) Madeleine Wilford;
147 (32) Felicia Burgin;
148 (33) Giulia Garcia;
149 (34) J.H.;
150 (35) Madison King;
151 (36) Hayden Korr;
152 (37) A.P.;
153 (38) Elizabeth Stout;
154 (39) Dominic Timpone;
155 (40) Alessandra Weber;
156 (41) M.W.;
157 (42) Noah Pace;
158 (43) Zachary London;
159 (44) Jacob Schwartz;
160 (45) Nicole Carrillo;
161 (46) Samara Barrack;
162 (47) Victoria Alvarez;
163 (48) Emely Vasquez;
164 (49) Chloe Leffler;
165 (50) Lucio Carrillo; and
166 (51) Ivy Schamis.

167 Section 4. The amount paid by the School Board of Broward
168 County pursuant to s. 768.28, Florida Statutes, and the amount
169 awarded under this act are intended to provide the sole
170 compensation for all present and future claims arising out of
171 the factual situation described in this act which resulted in
172 injuries and damages to the claimants of the Marjory Stoneman
173 Douglas High School mass casualty incident of February 14, 2018,
174 specified in this act. The total amount paid by each of the

23-00243A-22

202284__

175 claimants specified in this act for attorney fees, inclusive of
176 lobbying fees, relating to his or her claim may not exceed 25
177 percent of the total amount allocated to each claimant under
178 this act.

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