

CHAPTER 2019-188

Committee Substitute for House Bill No. 6523

An act for the relief of Jane Doe by the School Board of Miami-Dade County; providing for an appropriation to compensate Jane Doe for injuries and damages sustained as a result of the negligence of the School Board of Miami-Dade County; providing a limitation on the payment of attorney fees, lobbying fees, and costs; providing an effective date.

WHEREAS, Jane Doe was hired by the School Board of Miami-Dade County during the 2012-2013 school year as an itinerant teacher for students who were deaf and hard of hearing, and entered into a 1-year employment contract under which she traveled and taught at 10 elementary and middle schools during that school year, and

WHEREAS, Jane Doe was transferred during the 2013-2014 school year to Miami Centennial Middle School, where she taught a class of nine middle school students, all of whom were deaf or hard of hearing, and

WHEREAS, Jane Doe was reassigned in August 2014 by the School Board of Miami-Dade County to South Dade Senior High School, where she taught history, economics, and government to high school students with emotional and behavioral disorders, and

WHEREAS, Jane Doe's former position at Miami Centennial Middle School, for which she was qualified, remained unfilled for the 2014-2015 school year, and the School Board of Miami-Dade County knew that Jane Doe was not certified or licensed to teach students with emotional and behavioral disorders or to teach the subjects of history, economics, or government, and

WHEREAS, the School Board of Miami-Dade County is required to provide teachers who teach students with emotional and behavioral disorders with self-defense training and to ensure that they receive instruction in security and crisis management, but Jane Doe did not receive any such training or instruction, or any other training, before assuming her new position at South Dade Senior High School, and

WHEREAS, South Dade Senior High School had at least 3,500 enrolled students, one of the largest student populations in the nation, during the time of Jane Doe's reassignment and during the 2013-2014 and 2014-2015 school years the school had one of the highest rates in the Miami-Dade County Public Schools of student safety incidents reported to the Department of Education, and

WHEREAS, during the 2012-2013 school year, at least 145 fights were reported at South Dade Senior High School, and it was among the top 10 schools in South Florida for reported assaults, batteries, fighting, vandalism, theft, burglaries, and tobacco use, and

WHEREAS, during the 2013-2014 school year, 119 fights were reported at South Dade Senior High School, and it was among the worst in the district for violent and drug-related incidents, and

WHEREAS, in June 2013, before enrolling as a student in South Dade Senior High School, Victor Nash was arrested by the Miami-Dade Police Department and charged with making written threats to kill or do bodily harm, a violation of s. 836.10, Florida Statutes, a felony of the second degree, and he was subsequently charged by petition in that case, and

WHEREAS, following the commencement of the criminal case, Mr. Nash was deemed incompetent to stand trial and began receiving restoration services from the Department of Juvenile Justice pursuant to s. 985.19, Florida Statutes, and, in May 2014, a juvenile court determined that Mr. Nash would never attain competence, and

WHEREAS, the School Board of Miami-Dade County knew or should have known of the court's determination of permanent lack of competency and, despite the determination, 3 months later elected to enroll Mr. Nash in South Dade Senior High School, where he was assigned to Jane Doe's class, and

WHEREAS, the School Board of Miami-Dade County knew that Mr. Nash was a student with emotional and behavioral disorders, and it never notified Jane Doe about the charges filed against him, in violation of s. 985.04(4), Florida Statutes, his dangerous propensities, or that a court had recently deemed him mentally incompetent, and

WHEREAS, on September 19, 2014, Jane Doe was instructed by a superior to stay on campus after regular school hours to call students' parents regarding their individual education plans, and

WHEREAS, Mr. Nash remained on campus for at least 2 hours after the final bell rang and ultimately went to Jane Doe's classroom, where he found her alone, and

WHEREAS, as Jane Doe attempted to leave the classroom after becoming alarmed at Mr. Nash's behavior, Mr. Nash violently grabbed her and slammed her to the ground, causing her to hit her head, and then choked her until she lost consciousness, and

WHEREAS, Mr. Nash proceeded to rape Jane Doe in her classroom and then threw away her cell phone, took her car keys from her purse, and located her vehicle in the school's faculty parking lot and drove it off of school property, and

WHEREAS, Mr. Nash was later apprehended in Jane Doe's vehicle by an officer of the Homestead Police Department, and

WHEREAS, as a result of this incident, in the criminal case State of Florida v. Victor Marshall Nash, No. F14021341 (Fla. 11th Cir. Ct. 2014),

Mr. Nash was charged with and pled guilty to attempted first degree murder, sexual battery causing great bodily harm, strong-arm robbery, and grand theft auto, and

WHEREAS, the attempted murder and the sexual battery of Jane Doe by Mr. Nash and the grossly negligent, indifferent, and reckless conduct and breach of trust and confidence by the School Board of Miami-Dade County resulted in the loss of her virginity and have caused Jane Doe severe and permanent psychological injuries, severe depression, physical and mental pain and suffering, gastrointestinal distress, constant fear, nightmares, weight gain, anxiety, mood swings, and the loss of capacity for the enjoyment of life, and she has suffered loss of earnings and a loss of ability to earn money in the future, and

WHEREAS, the injuries suffered by Jane Doe are persistent, permanent, and debilitating in nature, and

WHEREAS, in resolving a civil action brought by Jane Doe, Jane Doe v. the School Board of Miami-Dade County, Florida, No. 16-011821-CA-01 (Fla. 11th Cir. Ct. 2016), the parties signed a settlement agreement on April 9, 2018, under the terms of which a total amount of \$3 million was to be paid to Jane Doe, of which the School Board of Miami-Dade County paid \$200,000 pursuant to s. 768.28, Florida Statutes, and its insurer paid \$1.5 million, and the payment of the remaining \$1.3 million is conditioned upon passage of this claim bill, NOW, THEREFORE,

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

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

Section 2. The School Board of Miami-Dade County is authorized and directed to appropriate from funds of the school board not otherwise encumbered and to draw a warrant in the sum of \$1.3 million payable to Jane Doe as compensation for injuries and damages sustained.

Section 3. The amount paid by the School Board of Miami-Dade County pursuant to s. 768.28, Florida Statutes, and by its insurer under the terms of the settlement agreement and the amount awarded under this act are intended to provide the sole compensation for all present and future claims arising out of the factual situation described in this act which resulted in injuries and damages to Jane Doe. Of the amount awarded under this act, the total amount paid for attorney fees may not exceed \$260,000, the total amount paid for lobbying fees may not exceed \$65,000, and the total amount paid for costs or other similar expenses may not exceed \$3,084.56.

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

Approved by the Governor May 23, 2019.

Filed in Office Secretary of State May 23, 2019.