

Senate Bill No. 40

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, the school board has agreed to pay to Jorge Gough the sum of \$500,000, which includes the maximum of \$100,000 payable under s. 768.28, Florida Statutes, 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 Miami-Dade County School Board is authorized and directed to appropriate from funds of the school board not otherwise appropriated and draw a warrant payable to Maria Gough, as parent and natural guardian of Jaime Gough, a minor, in the sum of \$500,000 for the wrongful death of her son, Jaime Gough.

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

Section 4. The amounts awarded in 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 the death of Jaime Gough. The total amount paid for attorney's fees, lobbying fees, costs, and other similar expenses relating to this claim may not exceed 25 percent of the total amount awarded under this act.

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

Approved by the Governor May 19, 2008.

Filed in Office Secretary of State May 19, 2008.