

By Senator Thurston

33-00120-19

201938__

1 A bill to be entitled
2 An act for the relief of Jane Doe by the School Board
3 of Miami-Dade County; providing for an appropriation
4 to compensate Jane Doe for injuries and damages
5 sustained as a result of the negligence of the School
6 Board of Miami-Dade County; providing a limitation on
7 the payment of attorney fees; providing an effective
8 date.

9
10 WHEREAS, Jane Doe was hired by the School Board of Miami-
11 Dade County during the 2012-2013 school year as an itinerant
12 teacher for students who were deaf and hard of hearing, and
13 entered into a 1-year employment contract under which she
14 traveled and taught at 10 elementary and middle schools during
15 that school year, and

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

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

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

33-00120-19

201938__

30 teach the subjects of history, economics, or government, and

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

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

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

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

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

33-00120-19

201938__

59 subsequently charged by petition in that case, and

60 WHEREAS, following the commencement of the criminal case,
61 Mr. Nash was deemed incompetent to stand trial and began
62 receiving restoration services from the Department of Juvenile
63 Justice pursuant to s. 985.19, Florida Statutes, and, in May
64 2014, a juvenile court determined that Mr. Nash would never
65 attain competence, and

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

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

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

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

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

33-00120-19

201938__

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

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

94 WHEREAS, as a result of this incident, in the criminal case
95 *State of Florida v. Victor Marshall Nash*, No. F14021341 (Fla.
96 11th Cir. Ct. 2014), Mr. Nash was charged with and pled guilty
97 to attempted first degree murder, sexual battery causing great
98 bodily harm, strong-arm robbery, and grand theft auto, and

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

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

111 WHEREAS, in resolving a civil action brought by Jane Doe,
112 *Jane Doe v. the School Board of Miami-Dade County, Florida*, No.
113 16-011821-CA-01 (Fla. 11th Cir. Ct. 2016), the parties signed a
114 settlement agreement on April 9, 2018, under the terms of which
115 a total amount of \$3 million was to be paid to Jane Doe, of
116 which the School Board of Miami-Dade County paid \$200,000

33-00120-19

201938__

117 pursuant to s. 768.28, Florida Statutes, and its insurer paid
118 \$1.5 million, and the payment of the remaining \$1.3 million is
119 conditioned upon passage of this claim bill, NOW, THEREFORE,
120

121 Be It Enacted by the Legislature of the State of Florida:
122

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

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

130 Section 3. The amount paid by the School Board of Miami-
131 Dade County pursuant to s. 768.28, Florida Statutes, and by its
132 insurer under the terms of the settlement agreement and the
133 amount awarded under this act are intended to provide the sole
134 compensation for all present and future claims arising out of
135 the factual situation described in this act which resulted in
136 injuries and damages to Jane Doe. The total amount paid for
137 attorney fees relating to this claim may not exceed 25 percent
138 of the total amount awarded under this act.

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