

MARJORY STONEMAN DOUGLAS HIGH SCHOOL

VICTIMS' FUND

DRAFT PROTOCOL

MARCH 23, 2018

The February 14th attack at Marjory Stoneman Douglas High School was an atrocity that has devastated our community and shaken our entire nation. This unspeakable act of evil has been countered with a tremendous demonstration of compassion, resilience, support, and generosity from people across our country and from far corners of the world. These acts of kindness and concern, both large and small, are shining lights of hope which stand in stark contrast to the darkness which befell us.

This is a fund for the victims of the Marjory Stoneman Douglas shooting. For more than six terrible, agonizing minutes, a gunman took control and terrorized a school. To recover from victimization often means to reassert one's control and act on that deep-seated need to do *something*. People from all walks of life chose to honor the memory of those who were killed, and the indomitable spirit of those who survived, by contributing money for the benefit of the victims. We, the Steering Committee for this Fund, have a solemn obligation to honor the intent of donors to help the victims by administering these funds in a way that is fair, transparent, victim-centered, and trauma-informed.

No one has a legal claim or entitlement to these funds. They are a GIFT, an act of charity from the tremendous generosity of individuals and organizations. The Steering Committee's role is to fairly administer these funds for the direct benefit of the victims, within the context of other available services. We are inspired by the largesse of the public to help as many people as we can, as much as we can, though we are also poignantly aware of our constraints and limitations.

We cannot solve all of the problems arising from this event. All the money in the world cannot bring back those who were killed, nor erase that which was witnessed and endured by the survivors. We concede that that this model is not well-suited to address long-term needs or latent injuries which do not manifest themselves until long after our application period has passed. But this Fund does not exist in a vacuum; it is merely one part of an ongoing continuum of care in response to this atrocity. Immediate assistance was available through Florida's crime victim compensation program and a myriad of crowd-sourced funding sites. Long-term governmental and community assistance will likely be provided, though it may take up to 18-24 months for that assistance to become available. This Fund offers assistance in the medium term, to bridge the gap.

The gifts offered from this Fund are also qualitatively different from other sources of relief. These gifts are not based on any economic loss or expenses incurred. Those particular losses may be reimbursed by the Florida Crime Victim Compensation Bureau, and we seek to avoid any overlap with those existing benefits.

These gifts are given to victims without any restriction on their use. We believe that victims and survivors are in the best position to determine which use would be most beneficial to their healing. We also believe that empowering victims to decide for themselves is yet another way to help them regain the control that was taken from them on February 14th.

We do not know how much money will be raised, but we firmly pledge that 100% of what is donated for victims will be distributed to victims and their families.

The success or failure of this Fund will not be measured in the amount of money raised, but rather by whether the funds were distributed fairly and transparently, and in accord with the intent of the donors. Individuals will receive monetary benefits. But what may be even more beneficial than any relief the money can provide—regardless of whether it was the product of a large corporate donation, or the proceeds of carwashes, bake sales, and lemonade stands—will be the comfort in knowing that thousands of people donated because they care about the MSD community and want to help.

What follows is a DRAFT Protocol, offered as a proposal to govern eligibility for benefits and the distribution of gifts. We are grateful to have the guidance of the *National Compassion Fund*, and the benefit of its experience in administering similar funds in the aftermath of other mass casualty crimes but, ultimately, we want to hear from you—the students, teachers,

parents, and members of the community at large. We want your constructive feedback on these Draft Protocols. With a community as large and diverse as ours, we have no illusion that we can issue a protocol that will satisfy everyone. However, we can promise that we will thoughtfully consider all feedback and suggestions derived from the public comment process with the driving intent of arriving at a protocol that will provide the greatest amount of help possible to the largest number of people.

The terror visited upon our community on February 14th was not perpetrated by some foreign enemy far from our shores; instead, it came from within our own community. This makes it all the more important that the compassionate response to assist the victims and survivors of this attack come from our community as well. This effort can provide the opportunity for our community to heal and grow along with the victims and survivors.

Sincerely,

Senator George S. LeMieux
Chairman

This is a draft Protocol. The Final Distribution Protocol, which will govern the Marjory Stoneman Douglas High School Victims' Fund (the "Fund"), will be developed by the Administrators, incorporating feedback from the Marjory Stoneman Douglas Victim Fund Local Steering Committee ("The Committee"), the Broward Education Foundation, the National Center for Victims of Crime/National Compassion Fund, the South Florida Community, and the general public; including those present at the Town Hall meetings to be held by the Administrators on April 10, 2018.

All aspects of this draft Protocol including, without limitation, the classifications of claimants, the distribution criteria, the claims process, timetable, and amounts to be awarded, may be revised, and are subject to the full and complete discretion of the Administrators.

The Fund was established through the generosity of businesses, foundations, and individual donors. The Fund will be used to assist those families of the victims who were killed, the victims who were physically injured, and the victims who experienced psychological trauma while physically present on the campus of Marjory Stoneman Douglas High School in Parkland, Florida, on February 14, 2018 during the attack (the "MSD Attack"). The Broward Education Foundation is a 501(c)(3) nonprofit organization, Federal Tax ID # 59-2359433 and Florida Registration # CH49396. The National Compassion Fund is a project of the National Center for Victims of Crime, a 501(c)(3) nonprofit organization, Federal Tax ID #30-0022798 and Florida Registration #CH21962.

The payments from the Fund are to be apportioned to the victims in accordance with the severity of the injuries arising from the MSD Attack.¹

The Distribution classifications are outlined below:

CATEGORIES OF ELIGIBLE APPLICANTS

A. Individual Death Claims

¹ Determination of the amounts for each eligible claimant will depend upon the following: (1) the balance in the Fund on June 30, 2018; (2) the receipt of updated data regarding the nature and the number of physical injuries and the number of individuals physically present on the campus of Marjory Stoneman Douglas High School; (3) completion of the review of all submitted claims; and (4) review and approval by the Administrators.

Eligible claimants for deceased victims killed as a result of the MSD Attack will receive the highest category of payment under the scope of this Protocol. A final payment determination will be made upon receipt of all pertinent data and is subject to all comments above.

B. Individual Physical Injury Claims for Victims Requiring Overnight Hospitalization

Eligible claimants who were physically injured and hospitalized for one or more nights between February 14, 2018, and May 31, 2018 (the last day to submit a claim to the Fund), due to physical injuries resulting from the MSD Attack will receive payment under this Final Protocol.

C. Individual Physical Injury Claims of Victims Treated at Broward Area Hospitals on an Emergency Out-Patient Basis

Eligible Claimants who were physically injured as a result of the MSD Attack who were treated on an emergency out-patient basis (within 48 hours of the shootings) at one of the Parkland-area hospitals, and released without an overnight hospital stay, will receive a payment under this Final Protocol.

D. Individual Claims of Victims Experiencing Psychological Trauma and/or emotional distress on the Campus of Marjory Stoneman Douglas High School

There are two factors, either of which can make an applicant eligible for benefits.

The first factor is the physical presence of an individual in the 1200 building at the time of the shooting. Any person present in the building at that time is presumed to have experienced emotional distress, and without any other qualification, is eligible to receive payment under this protocol.

In addition, any individuals who were physically present on the campus of Marjory Stoneman Douglas High School at the time of the Attack, but did not suffer physical injury requiring medical treatment, but who sought treatment for psychological trauma arising from the Attack, no later than May 1, 2018, will receive a payment under this Final Protocol. Proof of such physical presence will be based upon contemporary attendance records.

PROCESS AND PROCEDURES

Eligible claimants must file an application for benefits in order to receive a payment from the Fund. The application will provide the opportunity to specify whether they are seeking benefits for Deceased Victims, an application for benefits for Physical Injury, and/or an application for benefits for Psychological Trauma while on the campus of Marjory Stoneman Douglas High School. A single application for benefits should be submitted for each eligible claimant.

The process and procedures for consideration of eligible claims will be as follows:

- A.** The Fund will be administered by the *National Center for Victims of Crime/National Compassion Fund* and The Broward Education Foundation.

A link to submit an online application for benefits (“Application”) and the Final Protocol, will be made available to all known claimants who have provided the necessary information to the Broward Education Foundation or the *National Compassion Fund* (“NCF”) by US mail and/or email. The Final Protocol and information concerning the Claim process will also be available on the nationalcompassionfund.org website beginning on May 1, 2018. Representatives from the *National Compassion Fund* and Angeion Group (collectively, the “Fund Administrators”) will administer and process the claims. **Only one Application should be submitted by, or on behalf of, each victim.** The Application must be completed and submitted to the Fund Administrators (along with all required supporting documentation detailed on the Application) no later than May 31, 2018. Questions regarding the

completion of an Application can be sent via email to MSDFund@ncvc.org or made by telephone to 855-4VICTIM (855-484-2846).

B. Access to the Online Claims System can be found at www.NationalCompassionFund.org. Claimants who lack access to the Internet are invited to call the toll-free claimant assistance number at 855-4VICTIM (855-484-2846) for guidance on alternative filing assistance.

C. In the event that an applicant submits an incomplete or deficient Application (*e.g.*, the applicant failed to include required documentation or failed to fully complete the Application), a representative from the Fund Administrators' office may work with the claimant in an effort to cure any such deficiencies.

D. Payments will be issued shortly after the deadline for submission of all contributions and the final review and determination of all eligible Applications by the Fund Administrators. The Fund Administrators will submit final payment determinations to the Steering Committee for recommendation and submission to the Broward Education Foundation for approval of transmission of the payments, by check or electronic bank wire, to each eligible applicant. In the event sufficient contributions are received after the final payment determinations, a supplemental distribution may be made to eligible applicants.

E. An Application filed for a deceased victim will require the spouse or legal partner's signature if the deceased individual was married at the time of death, and shall also include information pertaining to individuals (*e.g.*, spouse, children, parents, siblings) who may be eligible to receive compensation under the local probate law of the deceased victim's domicile. In cases where the victim was not married, the personal representative legally authorized to administer the Estate must submit the Application. If the deceased did not leave a Will, the personal representative must prepare a proposed plan of distribution of the funds among the decedent's legal heirs and beneficiaries. The proposed plan will be distributed to all such legal heirs and beneficiaries, each of whom must consent to the proposed distribution. If agreement among the heirs and beneficiaries cannot be reached as to who will serve as the personal representative, or with regard to the proposed distribution, the applicants will be required to obtain legal authorization from the Probate Court having jurisdiction to determine who is the legally-responsible person eligible to file the Claim. Under those circumstances, the Fund Administrators will recommend that the Broward Education Foundation deposit the affected funds with the Probate Court having jurisdiction, to be held in a separate account, and to be distributed only upon resolution in accordance with a valid court order.

F. For claims for a minor child, the Claim Form will require the consent of both parents (if both parents are living). For claims for incompetent adults, the Claim Form will require proof of representative capacity, such as a power-of-attorney, guardianship, appointment of guardian or attorney *ad litem*.

G. An Application filed for a physical injury applicant must include an authorization to release medical information which confirms: (i) date of admission to the hospital, (ii) date of actual or expected discharge from the hospital, and (iii) the nature of the injury and that the injury was sustained as a result of the MSD attack.

I. An Application filed for Psychological Trauma applicant must have their presence on the campus of Marjory Stoneman Douglas High School corroborated by confirmation from contemporary attendance records, and those seeking benefits based upon mental health treatment must include an authorization to release medical information which confirms the applicant sought treatment by April 30th.

J. The Fund cannot provide tax advice to those receiving payments from the Fund. The Fund Administrators recommend you consult your tax advisor for any questions regarding tax liability for these payments.

K. A full audit of the Marjory Stoneman Douglas High School Victims' Fund will be conducted by an independent auditing firm as soon as possible after August 15, 2018. The results of this audit will be made available to all applicants, donors, and the general public, along with a Final Report from the Fund Administrators.

OUTREACH

A. The *National Compassion Fund* will conduct outreach to victims of the MSD Attack by telephone, mail, in person, and other forms of electronic communication to provide them with information on the application process, to answer questions related to the filing of applications, to assist victims in curing deficiencies on Applications, and to work to ensure that all eligible persons who wish to submit Applications are able to do so before the May 31, 2018, filing deadline. But the *National Compassion Fund* does not guarantee that all who may be eligible will be contacted, nor does it guarantee that all eligible persons who are in contact with the *National Compassion Fund* are included in the Protocol. It is the responsibility of the person eligible to file an Application to make sure that the Application is timely filed and received.

B. Two public meetings will be conducted by the Fund Administrators on Tuesday, April 10, 2018 at Rick Case Arena on the campus of Nova Southeastern University in Ft. Lauderdale, Florida, to explain the contents of the draft Protocol and the claim submission process, and to invite input and comments from potential claimants and the general public. Information collected from these group meetings, various communications, and correspondence between the claimants, other interested parties, and the Fund Administrators will be considered in finalizing the Final Protocol.

C. Once finalized, the Final Protocol and application information will be disseminated to all known and registered victims, and made available on the NationalCompassionFund.org website beginning on May 1, 2018. The Fund Administrators will work directly with claimants as requested so that claims are submitted by the May 31 deadline.

D. Optional face-to-face meetings with the Fund Administrator will be scheduled at the claimant's request. All claims will be processed during the period between May 1 and June 25, 2018. All applicants requesting face-to-face meetings with the Fund Administrators before the application is processed will be afforded such a meeting during the period between May 1 and June 25, 2018. Meetings will be scheduled at mutually convenient times and locations. In lieu of a face-to-face meeting, the claimant may request a telephonic meeting. To request a meeting, please send your request via email to MSDFund@ncvc.org or by telephone at (855) 4VICTIM (855 484-2846).

PROPOSED TIMELINE

- April 10, 2018: Two Town Hall meetings at 12:30 p.m. and 6:30 p.m., conducted by the Fund Administrators in Ft. Lauderdale, Florida, each lasting for 90 minutes.
- April 30, 2018: The Final Protocol and Application instructions will be disseminated to all known applicants and potential applicants who registered through the Fund website. These documents will be made available on the Fund website for families and all interested parties.
- May 1 – May 31, 2018: Applications completed and submitted to the Fund Administrators along with the required documentation.
- May 31, 2018: Deadline for submission of Claim Forms.
- May 1 – June 25, 2018: All personal meetings requested with the Fund Administrators completed.
- June 25 – July 3, 2018: All Applications reviewed by the Fund Administrators and recommendations for payments to eligible claimants submitted to the Steering Committee for independent review and approval.
- July 16, 2018: Payment Distribution to approved eligible claimants begins on a rolling basis.
- After August 15, 2018: Independent Audit begins.