

HB 1223

2008

1 A bill to be entitled

2 An act for the relief of Daniel Decembre, a minor, by and  
3 through his parents and natural guardians, Desnar and  
4 Mignone Decembre, by the Orange County School Board;  
5 providing for an appropriation to compensate Daniel  
6 Decembre for injuries and damages he sustained as a result  
7 of negligence by agents and employees of the school board;  
8 providing a limitation on attorney's fees, lobbying fees,  
9 costs, and other similar expenses relating to the claim;  
10 providing an effective date.

11  
12 WHEREAS, on March 4, 2003, a dog came onto the school  
13 premises of Ridgewood Park Elementary School, located in Orange  
14 County, Florida, and attacked Daniel Decembre, causing him  
15 serious and permanent injuries, and

16 WHEREAS, as a result of the dog attack of March 4, 2003,  
17 Daniel Decembre has had to undergo several corrective surgeries,  
18 and

19 WHEREAS, the Orange County School Board and its agents and  
20 employees had advance notice of the dangerousness of dogs  
21 entering the school premises of Ridgewood Park Elementary School  
22 and had reported several incidents of loose dogs on the campus  
23 of the school to the Orange County Animal Services, and

24 WHEREAS, the Orange County School Board and its agents and  
25 employees knew or should have known that dogs on the school  
26 premises of Ridgewood Park Elementary School would and could  
27 harm one of its students, such as Daniel Decembre, and

28 WHEREAS, the Orange County School Board and its agents and

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29 employees failed to secure the premises of Ridgewood Park  
 30 Elementary School from dogs entering where Daniel Decembre was  
 31 injured, and

32 WHEREAS, as a direct and proximate result of negligence by  
 33 the Orange County School Board and its agents and employees,  
 34 Daniel Decembre suffered serious physical and mental injuries;  
 35 will continue to experience mental and physical pain and  
 36 suffering, disability, and loss of capacity for the enjoyment of  
 37 life; and will require additional medical care, surgeries,  
 38 psychiatric care, and hospitalization, continuing beyond the age  
 39 of majority, and

40 WHEREAS, in the future, Daniel Decembre will also suffer  
 41 lost wages and loss of earning capacity, and

42 WHEREAS, following a lawsuit filed by Desnar and Mignone  
 43 Decembre, the Orange County School Board agreed to a settlement  
 44 in the amount of \$2 million, of which \$200,000 was paid within  
 45 30 days after the date of the settlement agreement, and  
 46 \$1,800,000 is sought through the submission of a claim bill to  
 47 the Legislature with respect to which the Orange County School  
 48 Board has agreed to remain neutral, NOW, THEREFORE,

49  
 50 Be It Enacted by the Legislature of the State of Florida:

51  
 52 Section 1. The facts stated in the preamble to this act  
 53 are found and declared to be true.

54 Section 2. The Orange County School Board is authorized  
 55 and directed to appropriate from funds of the school board not  
 56 otherwise encumbered and to draw a warrant in the amount of

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57 \$1,800,000 payable to Desnar and Mignone Decembre, parents and  
58 natural guardians of Daniel Decembre, to compensate Daniel  
59 Decembre for personal injuries and damages suffered as a result  
60 of negligence by agents and employees of the Orange County  
61 School Board.

62 Section 3. Any amount awarded under this act pursuant to  
63 the waiver of sovereign immunity permitted under s. 768.28,  
64 Florida Statutes, and this award is intended to provide the sole  
65 compensation for all present and future claims arising out of  
66 the factual situation described in the preamble to this act  
67 which resulted in the injury to Daniel Decembre. The total  
68 amount paid for attorney's fees, lobbying fees, costs, and other  
69 similar expenses relating to this claim may not exceed 25  
70 percent of the amount awarded under section 2.

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