

CS/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.

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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

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, Daniel Decembre suffered serious physical and
 33 mental injuries; will continue to experience mental and physical
 34 pain and suffering, disability, and loss of capacity for the
 35 enjoyment of life; and will require additional medical care,
 36 surgeries, psychiatric care, and hospitalization, continuing
 37 beyond the age of majority, and

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

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

47
 48 Be It Enacted by the Legislature of the State of Florida:

49
 50 Section 1. The facts stated in the preamble to this act
 51 are found and declared to be true.

52 Section 2. The Orange County School Board is authorized
 53 and directed to appropriate from funds of the school board not
 54 otherwise encumbered and to draw a warrant in the amount of
 55 \$1,800,000 payable to Desnar and Mignone Decembre, parents and
 56 natural guardians of Daniel Decembre, to compensate Daniel

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57 Decembre for personal injuries and damages suffered as a result
58 of negligence by agents and employees of the Orange County
59 School Board.

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

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