

By Senator Joyner

18-00188A-08

200854__

1 A bill to be entitled

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

10
11 WHEREAS, on March 4, 2003, a dog came onto the school
12 premises of Ridgewood Park Elementary School, located in Orange
13 County, Florida, and attacked Daniel Decembre, causing him
14 serious and permanent injuries, and as a result of this dog
15 attack, Daniel has had to undergo several corrective surgeries,
16 and

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

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

26 WHEREAS, the Orange County School Board and its agents and
27 employees failed to secure the premises of Ridgewood Park
28 Elementary School from dogs entering where Daniel Decembre was
29 injured, and

18-00188A-08

200854__

30 WHEREAS, as a direct and proximate result of negligence by
31 the Orange County School Board and its agents and employees,
32 Daniel Decembre suffered serious physical and mental injuries;
33 will continue to experience mental and physical pain and
34 suffering, disability, and loss of capacity for the enjoyment of
35 life; and will require additional medical care, surgeries,
36 psychiatric care, and hospitalization, continuing beyond the age
37 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 30
43 days after the date of the settlement agreement, and \$1.8 million
44 is sought through the submission of a claim bill to the
45 Legislature with respect to which the Orange County School Board
46 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 are
51 found and declared to be true.

52 Section 2. The Orange County School Board is authorized and
53 directed to appropriate from funds of the school board not
54 otherwise encumbered and draw a warrant in the amount of \$1.8
55 million, payable to Desnar and Mignone Decembre, parents and
56 natural guardians of Daniel Decembre, to compensate Daniel for
57 personal injuries and damages suffered as a result of negligence
58 by agents and employees of the Orange County School Board.

18-00188A-08

200854__

59 Section 3. This award is intended to provide the sole
60 compensation for all present and future claims arising out of the
61 factual situation described in this act which resulted in injury
62 to Daniel Decembre. The total amount paid for attorney's fees,
63 lobbying fees, costs, and other similar expenses relating to this
64 claim may not exceed 25 percent of the amount awarded under this
65 act.

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