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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 court-appointed guardian; providing for an
5 appropriation to compensate Daniel Decembre for injuries
6 and damages he sustained; providing legislative intent;
7 providing a limitation on the payment of fees and costs;
8 providing an effective date.
9

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

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

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

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

29 WHEREAS, as a direct and proximate result of negligence by

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30 | the Orange County School Board and its agents and employees,
31 | Daniel Decembre suffered serious physical and mental injuries;
32 | will continue to experience mental and physical pain and
33 | suffering, disability, and loss of capacity for the enjoyment of
34 | life; and will require additional medical care, surgeries,
35 | psychiatric care, and hospitalization, continuing beyond the age
36 | of majority, and

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

39 | WHEREAS, following a lawsuit filed by Desnar and Mignone
40 | Decembre, the Orange County School Board agreed to a settlement
41 | in the amount of \$2 million, of which \$200,000 was paid within 30
42 | days after the date of the settlement agreement, and \$1.8 million
43 | is sought through the submission of a claim bill to the
44 | Legislature with respect to which the Orange County School Board
45 | has agreed to remain neutral, NOW, THEREFORE,

46 |

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

48 |

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

51 | Section 2. Upon court approval of the settlement in this
52 | matter, the Orange County School Board is authorized and directed
53 | to appropriate from funds of the school board not otherwise
54 | encumbered and draw a warrant in the amount of \$1.8
55 | million, payable to the court-appointed guardian of Daniel
56 | Decembre, to be placed in the guardianship account of Daniel
57 | Decembre. It is the intent of the Legislature that the funds
58 | appropriated herein are to be used exclusively for the care and

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59 benefit of Daniel Decembre.

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

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