

By Senator Gibson

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1 A bill to be entitled
2 An act for the relief of Anais Cruz Peinado by the
3 School Board of Miami-Dade County; providing for an
4 appropriation to compensate Anais Cruz Peinado, mother
5 of Juan Carlos Rivera, deceased, for the death of Juan
6 Carlos Rivera as a result of the negligence of the
7 School Board of Miami-Dade County; providing a
8 limitation on the payment of fees and costs; providing
9 an effective date.

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11 WHEREAS, on September 15, 2009, Juan Carlos Rivera was a
12 student at Coral Gables Senior High School in the care and
13 custody of the School Board of Miami-Dade County, Florida, and

14 WHEREAS, on September 15, 2009, Juan Carlos Rivera was
15 attacked, stabbed, and murdered on the grounds of Coral Gables
16 Senior High School by another student, and

17 WHEREAS, the Estate of Juan Carlos Rivera has alleged,
18 through a lawsuit filed April 28, 2010, in Miami-Dade County,
19 that the negligence of the School Board of Miami-Dade County was
20 the proximate cause of the death of Juan Carlos Rivera, and

21 WHEREAS, Anais Cruz Peinado has suffered extreme mental
22 anguish and undergone great suffering as a result of the loss of
23 her son, and

24 WHEREAS, the Estate of Juan Carlos Rivera and the School
25 Board of Miami-Dade County, Florida have reached a compromise
26 settlement in the amount of \$1,875,000, which was approved by
27 the school board on October 17, 2011, and

28 WHEREAS, pursuant to the agreement between the parties, the
29 settlement has been partially satisfied in the amount of

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30 \$700,000, and

31 WHEREAS, the claim shall be considered fully satisfied upon
32 payment of an additional \$1,175,000 by the School Board of
33 Miami-Dade County to Anais Cruz Peinado, as beneficiary of the
34 Estate of Juan Carlos Rivera, pursuant to a claim bill
35 authorized by the Florida Legislature, NOW, THEREFORE,

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37 Be It Enacted by the Legislature of the State of Florida:

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39 Section 1. The facts stated in the preamble to this act are
40 found and declared to be true.

41 Section 2. The School Board of Miami-Dade County is
42 authorized and directed to appropriate from funds not otherwise
43 encumbered and to draw a warrant in the sum of \$1,175,000,
44 payable to Anais Cruz Peinado, mother of Juan Carlos Rivera, as
45 compensation for the death of Juan Carlos Rivera due to the
46 negligence of the School Board of Miami-Dade County.

47 Section 3. The amount paid by the School Board of Miami-
48 Dade County pursuant to s. 768.28, Florida Statutes, and the
49 amount awarded under this act are intended to provide the sole
50 compensation for all present and future claims arising out of
51 the factual situation described in this act which resulted in
52 the death of Juan Carlos Rivera. The total amount paid for
53 attorney fees, lobbying fees, costs, and other similar expenses
54 relating to this claim may not exceed 25 percent of the total
55 amount awarded under this act.

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