



STORAGE NAME: h0909.CVJS

DATE: 2/15/2012

Florida House of Representatives Summary Claim Bill Report

Bill #: HB 909; Relief/Anais Cruz Peinado and Juan Carlos Rivera/School Board of Miami-Dade County

Sponsor: Representative Gonzalez

Companion Bill: SB 1076 by Senator Gibson

Special Master: Tom Thomas

Basic Information:

Claimants:	Anais Cruz Peinado and Juan Carlos Rivera
Respondent:	School Board of Miami-Dade County
Amount Requested:	\$1,175,000
Type of Claim:	Local equitable claim; result of a settlement agreement.
Respondent's Position:	The School Board of Miami-Dade County does not object to the passage of this claim bill.
Collateral Sources:	None reported.
Attorney's/Lobbying Fees:	The claimant's attorney provided an affidavit stating that the attorney's fees will be capped at 25% of the total claim award in accordance with s. 768.28(8), F.S., and that the lobbyist's fees, if any, will be included in the 25% fee cap.
Prior Legislative History:	This is the first year this claim has been filed.

Procedural Summary: The Estate of Juan Carlos Rivera has alleged, through a lawsuit filed April 28, 2010, in Miami-Dade County, that the negligence of the School Board of Miami-Dade County was the proximate cause of the death of Juan Carlos Rivera. The Estate of Juan Carlos Rivera and the School Board of Miami-Dade County, Florida reached a compromise settlement in the amount of \$1,875,000, which was approved by the school board on October 17, 2011. Pursuant to the agreement between the parties, the settlement has been partially satisfied in the amount of \$700,000, \$200,000 in accordance with the statutory limits of liability set forth in s. 768.28, F.S., and \$500,000 from insurance.

Facts of Case: Juan Carlos Rivera was attacked, stabbed, and murdered on the grounds of Coral Gables Senior High School by another student. On the date of his death, September 15, 2009,

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Juan Carlos Rivera was 17 years old and a student at Coral Gables Senior High School in the care and custody of the School Board of Miami-Dade County, Florida. It is the Claimant's position that this incident was foreseeable based on the inadequacy of the school's security plan and the history of crime at the school and throughout the School District.

The school had hired nine monitors (in-house security personnel) for the purpose of security who were stationed throughout the school. However, a monitor was not assigned to the corridor where the attack occurred – a location that was well know to school officials as an area for fights between students.

Recommendation: I respectfully recommend House Bill 909 be reported **FAVORABLY**.

Tom Thomas, Special Master

Date: February 9, 2012

cc: Representative Gonzalez, House Sponsor
Senator Gibson, Senate Sponsor
Judge Jessica E. Varn, Senate Special Master