

CS/HB 909

2012

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.

10  
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

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

36  
37 Be It Enacted by the Legislature of the State of Florida:

38  
39 Section 1. The facts stated in the preamble to this act  
40 are 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's fees, lobbying fees, costs, and similar expenses  
54 relating to this claim may not exceed 15 percent of the first

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55 | \$1,000,000 awarded under this act and 10 percent of the  
56 | remainder awarded under this act, for a total of \$167,500.

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