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CS/HB 909, Engrossed 1

2012 Legislature

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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

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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,

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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
 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
 55 \$1,000,000 awarded under this act and 10 percent of the

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56 | remainder awarded under this act, for a total of \$167,000.
57 | However, taxable costs, which may not include attorney's fees
58 | and lobbying fees, related to the underlying civil action may be
59 | collected in addition to the \$167,000.

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