

Senate Bill No. 54

An act relating to the Orange County School Board; providing for the relief of Daniel Decembre, a minor, by and through his court-appointed guardian; providing for an appropriation to compensate Daniel Decembre for injuries and damages he sustained; providing legislative intent; providing a limitation on the payment of fees and costs; providing an effective date.

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

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

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

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

WHEREAS, as a direct and proximate result of negligence by the Orange County School Board and its agents and employees, Daniel Decembre suffered serious physical and mental injuries; will continue to experience mental and physical pain and suffering, disability, and loss of capacity for the enjoyment of life; and will require additional medical care, surgeries, psychiatric care, and hospitalization, continuing beyond the age of majority, and

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

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

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

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

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

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

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

Approved by the Governor May 19, 2008.

Filed in Office Secretary of State May 19, 2008.