

CHAPTER 2012-248

Committee Substitute for House Bill No. 909

An act for the relief of Anais Cruz Peinado by the School Board of Miami-Dade County; providing for an appropriation to compensate Anais Cruz Peinado, mother of Juan Carlos Rivera, deceased, for the death of Juan Carlos Rivera as a result of the negligence of the School Board of Miami-Dade County; providing a limitation on the payment of fees and costs; providing an effective date.

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

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

WHEREAS, 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, and

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

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

WHEREAS, pursuant to the agreement between the parties, the settlement has been partially satisfied in the amount of \$700,000, and

WHEREAS, the claim shall be considered fully satisfied upon payment of an additional \$1,175,000 by the School Board of Miami-Dade County to Anais Cruz Peinado, as beneficiary of the Estate of Juan Carlos Rivera, pursuant to a claim bill authorized by the Florida Legislature, 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. The School Board of Miami-Dade County is authorized and directed to appropriate from funds not otherwise encumbered and to draw a warrant in the sum of \$1,175,000, payable to Anais Cruz Peinado, mother of Juan Carlos Rivera, as compensation for the death of Juan Carlos Rivera due to the negligence of the School Board of Miami-Dade County.

Section 3. The amount paid by the School Board of Miami-Dade County pursuant to s. 768.28, Florida Statutes, and the amount awarded under this act are 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 the death of Juan Carlos Rivera. The total amount paid for attorney's fees, lobbying fees, costs, and similar expenses relating to this claim may not exceed 15 percent of the first \$1,000,000 awarded under this act and 10 percent of the remainder awarded under this act, for a total of \$167,000. However, taxable costs, which may not include attorney's fees and lobbying fees, related to the underlying civil action may be collected in addition to the \$167,000.

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

Approved by the Governor March 29, 2012.

Filed in Office Secretary of State March 29, 2012.