

STORAGE NAME: HB 1717b.cjc

DATE: April 17, 1997

**Florida House of Representatives
Committee on Civil Justice & Claims
Summary Claim Bill Report**

Bill #: HB 1717
Sponsor(s): Representative Lippman
References: Civil Justice & Claims; General Government Appropriations
Companion Bills: None

A. Claim Bill Information

1. **Claimant:** Lazaro Gutierrez
2. **Respondent:** Dade County School Board
3. **Amount Requested:** \$2,973,246
4. **Type of Claim:** EXCESS JUDGMENT CLAIM/CONSENT JUDGMENT
5. **Respondent's Posture:** The respondent has agreed to the settlement
6. **Collateral Sources:** None apparent
7. **Prior Legislative History:** None

B. Procedural Summary: The claimant filed a negligence action against the Dade County School Board. The jury returned a verdict of \$12,000,000. The jury attributed 85 percent of the fault to the Dade County School Board and attributed 15 percent of the fault to the assailants who injured the claimant. The parties agreed to a consent judgment in the amount of \$3,173,246. The School Board has paid its statutory limit of \$200,000. Both parties have agreed to the dismissal of a pending appeal upon the enactment of a claim bill for the remaining \$2,973,246.00.

C. Facts of the Case: On October 21, 1988, Lazaro Gutierrez went to the Miami South Ridge High School to pick up his girlfriend. As he and his girlfriend prepared to leave the parking lot, they stopped to talk with two men. One of these men drew a gun and demanded that Lazaro Gutierrez exit the car. Lazaro attempted to flee, but was shot in the neck. The bullet fractured a vertebra and partially severed Lazaro's spinal cord, leaving him a C-4 quadriplegic. At the time of the shooting, no security guard was present in the parking lot, although the administration requested that a security guard or police officer remain in the parking lot until all students had departed.

LRS _____ **LRD** _____ **Date:** April 14, 1997
Charles R. Boning Richard Hixson