

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT  
IN AND FOR COUNTY, FLORIDA ORANGE

CASE NO.:

VICTORIA TRIECE,

Plaintiff,

vs.

ORANGE COUNTY PUBLIC SCHOOLS,

Defendant.

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**VERIFIED COMPLAINT AND DEMAND FOR JURY TRIAL**

COMES NOW the Plaintiff, Victoria Triage, by and through undersigned counsel and hereby files her Verified Complaint and Demand for Jury Trial.

1. This is an action seeking monetary damages and equitable relief including declaratory relief, and pertaining to the application of the Orange County Public Schools (hereinafter "OCPS") ADDitions School Volunteer policies as to Plaintiff Victoria Triage.

**JURISDICTION, VENUE, AND PARTIES**

2. Damages sought in this case exceed \$50,000, exclusive of interest, costs, and attorney's fees. This Court has jurisdiction under Fla. Stat. §§26.012(2), 34.01(c), 86.011, and Art. V, Sec. 5(b) of the Florida Constitution.

3. Venue is proper in the Ninth Judicial Circuit as the Defendant resides within Orange County, and Orange County is where the cause of action accrued.

4. Plaintiff, Victoria Triage, is an adult citizen and resident of the State of Florida and of Orange County. Her minor children attends Sand Lake Elementary School located in Orange County, Florida.

5. At all times material hereto, Defendant, Orange County Public Schools was and

is within the District Public School System in and for Orange County, Florida, and was engaged in the business of providing educational instruction to students of Sand Lake Elementary School, including the execution of the ADDitions Volunteer program.

### **FACTUAL ALLEGATIONS**

6. OCPS has developed a program for the selection of volunteers within the school referred to as ADDitions School Volunteers.

7. Victoria Triage is an approved OCPS ADDitions School Volunteer and has been an active volunteer for OCPS for the past 5 years. Ms. Triage volunteered at Sand Lake Elementary School as her son attended that public school.

8. On or about October 13, 2021, Ms. Triage was instructed by the Principal at Sand Lake Elementary School that she could no longer be around children on school grounds. These instructions came from the Orange County Public School Board

9. According to the ADDitions School Volunteer program the only listed disqualifying factor is criminal activity. Ms. Triage has no criminal record and she submits to a criminal background check each year at the beginning of the school year to be eligible.

10. While Ms. Triage was instructed she could not be around children on school grounds, she was not provided written notice of any reason that would make her ineligible in light of her satisfying all ADDitions School Volunteer requirements.

11. Similarly, OCPS failed to follow its duty under the volunteer program as it failed to provide Ms. Triage any notice of appeal rights despite the ADDitions School Volunteer program requiring it.

12. Ms. Triage continues to want to be permitted to serve as an ADDitions School Volunteer at her minor children's school

13. All conditions precedent to the filing of this suit have occurred or otherwise been waived, including that by November 12, 2021, Plaintiff had served notice to the Defendant in conformance and pursuant to Fla. Stat. §768.28.

14. Alternatively, Fla. Stat. §768.28 is not applicable to the declaratory action as such statute waives sovereign immunity as to tort claims.

**COUNT I – DECLARATORY RELIEF**

15. Plaintiff Trice incorporates her allegations from paragraphs 1 through 14 above as if fully set forth herein.

16. OCPS through its ADDitions School Volunteer program accepted Ms. Trice as a volunteer in the classroom at Sand Lake Elementary School.

17. Ms. Trice followed all procedures and all background checks were conducted of her consistent with the requirements for eligibility of the volunteer program.

18. OCPS thereafter dismissed Ms. Trice as a volunteer on an inapplicable reason, denying her due process and appellate rights.

19. Plaintiff seeks to have the OCPS restore her as a school volunteer, for which she has a clear right as she was qualified, was properly selected as a school volunteer, was eligible as not having any disqualifying reason regarding selection and/or retention, and had due process rights which were ignored by the OCPS.

20. Plaintiff seeks a ruling by this Court regarding rights, status, and/or privileges bestowed upon Plaintiff by OCPS's ADDitions School Volunteer Program and regarding OCPS' power to remove volunteers who are otherwise eligible.

21. In light of Ms. Trice holding position of volunteer and then being dismissed as a volunteer by OCPS, there is a bona fide dispute between the parties.

22. Plaintiff has a justiciable question as to the existence of rights, status, power, or privilege provided to eligible selected volunteers including whether OCPS' decision to remove her as a volunteer was permitted due process and appellate rights.

23. Plaintiff is in doubt as to such rights, status, power, and privileges.

24. Plaintiff's desire to be returned to her volunteer status at her minor children's school is a bona fide, actual, and present need for this Court to make the requested declarations.

WHEREFORE, Plaintiff Victoria Tiece hereby demands that this Court enter declaratory judgment in favor of Plaintiff Victoria Tiece and against Defendant Orange County Public Schools and declare that:

- a. Plaintiff was an eligible and selected volunteer for Defendant;
- b. Defendant lacked the power to remove Plaintiff as a volunteer without a disqualifying reason;
- c. Plaintiff had due process rights including an appeal of the Defendant's decision to remove her as a volunteer.

Plaintiff likewise seeks recovery of an award of costs incurred in bringing and prosecuting this matter.

**COUNT II – INVASION OF PRIVACY; VIOLATION OF FLORIDA  
CONSTITUTIONAL RIGHTS**

25. Plaintiff Tiece incorporates her allegations from paragraphs 1 through 14 above as if fully set forth herein.

26. This is an action for invasion of privacy in which OCPS made a public disclosure of private facts. In addition, the actions of OCPS violate the privacy protections provided under Florida's Constitution.

27. In or about July 2021, the Principal at Sandlake Elementary School learned that Plaintiff had a private on-line presence including on an on-line subscription service entitled OnlyFans.

28. OCPS, through its agents, circulated and thereby published and disseminated Plaintiff's private photographs to OCPS staff and employees that were not in need of the information in an effort to demean and belittle the Plaintiff.

29. OCPS has, without any due process, and in violation of its policies and procedures, prohibited the Plaintiff from performing volunteer work at OCPS facilities and has otherwise interfered and intruded on Plaintiff's privacy rights as guaranteed by the Florida Constitution due to the Plaintiff's private choice of employment.

30. The OCPS publication of Plaintiff's private photos is highly offensive to a reasonable person and is not of a public concern. Plaintiff's public persona and lifestyle are not impediments to her abilities to perform her duties as a mother.

31. Article I, Sections 2, 4, 5, and 23 of the Florida Constitution protect the Plaintiff from governmental intrusion into her private life. Specifically, under Section 2, Art. I, Plaintiff's basic rights to enjoy and defend life and liberty and to pursue happiness has been infringed. Pursuant to Section 4, Art. I, Defendant has abridged Plaintiff's right to free speech by preventing her participation as a Volunteer at her children's school. Under Section 5, Art. I, her right to assemble with her children on school grounds has been unlawfully infringed upon. Lastly, Defendant has encroached and intruded on her right to be let alone and free from governmental intrusion under Section 23, Art. I.

32. The actions of OCPS in publishing her photos to OCPS staff, in denying the Plaintiff her right to attend functions with her children on OCPS property and to be free from governmental intrusion in her lifestyle choices has caused losses to the Plaintiff.

33. As a result of OCPS' improper actions, Ms. Triece has suffered shame, humiliation, mental anguish, hurt feelings, and aggravation, all at great loss to the Plaintiff.

WHEREFORE, Plaintiff Victoria Triece hereby demands that this Court enter judgment in Plaintiff's favor and against Defendant Orange County Public Schools in an amount as determined after trial, plus costs and for such other and further relief as this Honorable Court may deem just under the circumstances.

**COUNT III - CIVIL SEXUAL CYBERHARASSMENT**  
**VIOLATION OF § 784.049, FLA. STAT.**

34. Plaintiff Triece incorporates her allegations from paragraphs 1 through 14 and 27 through 28 above as if fully set forth herein.

35. This is an action for recovery of damages caused by Defendant's Civil Sexual Cyberharassment of the Plaintiff in violation of § 784.049, Fla. Stat., as upon information and belief, OCPS disseminated sexually explicit images of the Plaintiff to staff and employees of the Defendant without the consent of the Plaintiff.

36. Plaintiff is an OnlyFans Model wherein she does display sexually explicit images taken with Plaintiff's consent. However, the OnlyFans internet subscription website is not accessible to persons under the age of 18; the internet subscription website is available only to persons over the age of 18 that expressly pay for full access to view the images of the Plaintiff.

37. Plaintiff retains a reasonable expectation that the images on her OnlyFans page will remain private outside of the permissions that are lawfully paid for and subject to the limitations of the dissemination of the images to others. Pursuant to disclosures and restrictions that each

OnlyFans subscriber must accept and agree to abide by before accessing images, the Plaintiff's images are not to be disseminated to others without the express consent of the Plaintiff.

38. Plaintiff reasonably expected that her sexually explicit images would not be shared with teachers, principals, staff of OCPS and media outlets despite consenting to the sharing of images with other persons on her restricted OnlyFans internet Web page,

39. Without seeking Plaintiff's consent and upon information and belief, OCPS published and disseminated Plaintiff's sexually explicit images to countless individuals that consist of administrators, principal(s), staff, other OCPS employees and media outlets.

40. Upon information and belief, as a consequence of Defendant's actions the images are able to be viewed indefinitely by persons worldwide and are able to be easily reproduced and shared, all in violation of Plaintiff's rights as provided in Ch. 784, Fla. Stat.

41. As noted in § 784.049(1)(e), Fla. Stat., the existence of such images on Internet websites or the dissemination of such images without the consent of all parties depicted in the images causes those depicted in such images significant psychological harm, especially a mother that must face parents, teachers and staff that, upon information and belief, have had access to her sexually explicit images.

42. § 784.049(1)(f), Fla. Stat., provides that: Safeguarding the psychological well-being and privacy interests of persons depicted in such images is compelling.

43. Upon information and belief, Defendant has committed sexual cyberharassment against the Plaintiff by publishing or disseminating through electronic means (here email communications) to another person sexually explicit images of Plaintiff that contain or convey the personal identification information of the Plaintiff without the Plaintiff's consent, contrary to Plaintiff's reasonable expectation that the images would remain private, for no legitimate

purpose, with the intent of causing substantial emotional distress to Plaintiff. *See* § 784.049(2)(c), Fla. Stat.

44. Plaintiff has suffered damages in that Defendant has refused to allow Plaintiff to accompany her children on school grounds and the dissemination has resulted in emotional distress, including shame, humiliation, mental anguish, hurt feelings, and aggravation.

45. An aggrieved person may initiate a civil action against a person who violates this section to obtain all appropriate relief in order to prevent or remedy a violation of this section, including the following: (a) Injunctive relief; (b) Monetary damages to include \$10,000 or actual damages incurred as a result of a violation of this section, whichever is greater; and (c) Reasonable attorney fees and costs. *See* § 784.049(5), Fla. Stat.

**WHEREFORE**, Plaintiff Victoria Tricee hereby demands that this Court enter judgment in Plaintiff's favor and against Defendant Orange County Public Schools in an amount as determined after trial, plus costs and for such other and further relief as this Honorable Court may deem just under the circumstances.

**PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL ISSUES SO TRIABLE.**

DATED this 24<sup>th</sup> day of January, 2023.

/s/ John W. Zielinski  
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**VERIFICATION**

Under penalties of perjury, I declare that I have read the foregoing Verified Complaint and that the facts stated in it are true.

DocuSigned by:  
*Victoria Triece*  
1000FB5B000B4F4...  
VICTORIA TRIECE

Dated: January 13, 2023