

By Senator Silver

32-33-99

1                                   A bill to be entitled  
2           An act relating to the relief of the children  
3           of Elionne Joseph; requiring Dade County to  
4           compensate her children for her death as a  
5           result of the negligence of the Dade Metro  
6           Police; providing an effective date.  
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8           WHEREAS, on March 6, 1995, Elionne Joseph died in an  
9           automobile accident when her car collided with a car driven by  
10          a teenager who in an attempt to evade police ran a red light  
11          at the intersection of 135th St. and the I-95 off-ramp in  
12          Metropolitan Dade County, and  
13          WHEREAS, Ms. Joseph is survived by three minor  
14          children, Evane Dorival, Sandie Dorival, and Judith Dorival,  
15          and by her ex-husband, Joseph Dorival, with whom she was  
16          living during the year before her death, and  
17          WHEREAS, the attorney representing the estate of  
18          Elionne Joseph claims that the Dade County Police were  
19          pursuing the teenagers improperly and in contravention of a  
20          county administrative order that allows pursuits only when  
21          officers reasonably believe that the fleeing suspect has  
22          committed or attempted to commit a violent felony, and  
23          WHEREAS, such attorney contends that the accident in  
24          which Ms. Joseph died was caused by the high-speed police  
25          chase, and  
26          WHEREAS, the matter is scheduled for trial during the 2  
27          weeks commencing August 24, 1998, and mediation has been  
28          scheduled for July 24, 1998, and  
29          WHEREAS, Metropolitan Dade County has indicated that it  
30          is willing to settle the case for an amount in excess of the  
31          statutory limit of \$200,000 and that it will stipulate that it

1 will not oppose any claim bill for the amount of the  
2 settlement, NOW, THEREFORE,

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

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

8 Section 2. The sum of \$\_\_\_\_\_, which is the balance  
9 remaining after the county has paid \$200,000 in accordance  
10 with the terms of a settlement reached by official mediation  
11 or set by court order, is appropriated out of funds of  
12 Metropolitan Dade County not otherwise encumbered, to be paid  
13 to the Estate of Elionne Joseph as relief for the losses  
14 sustained by Ms. Joseph's surviving children.

15 Section 3. The financial officer of Metropolitan Dade  
16 County is directed to draw a warrant in favor of the Estate of  
17 Elionne Joseph in the sum of \$\_\_\_\_\_.

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

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