

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, prior to trial, the parties reached an
27 agreement to settle the matter for the total amount of
28 \$1,500,000, and

29 WHEREAS, on October 9, 1998, the parties entered into a
30 stipulation of settlement, and

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1 WHEREAS, on November 18, 1998, a consent judgment was
2 entered approving the stipulation of settlement, and

3 WHEREAS, Metropolitan Dade County will pay the limit of
4 \$200,000 under section 768.28, Florida Statutes, and

5 WHEREAS, Metropolitan Dade County has agreed to support
6 a claim bill for the remaining amount of \$1,300,000, under the
7 settlement agreement, NOW, THEREFORE,

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

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

13 Section 2. Metropolitan Dade County is authorized and
14 directed to appropriate the sum of \$1,300,000 from funds of
15 the county not otherwise encumbered, to be paid to the
16 guardianship of Elionne Joseph's three surviving children and
17 the restricted depository as relief for the losses sustained.

18 Section 3. The financial officer of Metropolitan Dade
19 County is directed to draw a warrant in the sum of \$1,300,000
20 in favor of the guardianship of Elionne Joseph's three
21 surviving children and the restricted depository.

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

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