

By the Committee on Claims and Representatives Cantens and Ritter

1                                   A bill to be entitled  
2           An act relating to Miami-Dade County; providing  
3           for the relief of Evane Dorival, Sandie  
4           Dorival, and Judith Dorival, minor children of  
5           Elionne Joseph, deceased; providing for an  
6           appropriation to compensate them for the death  
7           of their mother, Elionne Joseph, as a result of  
8           the negligence of the Miami-Dade County Police  
9           Department; providing an effective date.  
10  
11           WHEREAS, on March 6, 1995, Elionne Joseph died in an  
12           automobile accident when her car collided with a car driven by  
13           a teenager who, in an attempt to evade police, ran a traffic  
14           light at the intersection of 135th Street and the I-95  
15           off-ramp in Miami-Dade County, and  
16           WHEREAS, Elionne Joseph is survived by three minor  
17           children, Evane Dorival, Sandie Dorival, and Judith Dorival,  
18           and by her ex-husband, Joseph Dorival, with whom she was  
19           living during the year before her death, and  
20           WHEREAS, the attorney representing the Estate of  
21           Elionne Joseph contends that the Miami-Dade County Police were  
22           pursuing the teenager improperly and in contravention of a  
23           county administrative order that allows pursuits only when  
24           officers reasonably believe that the fleeing suspect has  
25           committed or attempted to commit a violent felony, and  
26           WHEREAS, the attorney representing the Estate of  
27           Elionne Joseph further contends that the accident in which  
28           Elionne Joseph died was caused by the high-speed police chase,  
29           and  
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1           WHEREAS, prior to trial, the parties reached an  
2 agreement to settle the matter for the total amount of  
3 \$1,500,000, and

4           WHEREAS, on October 9, 1998, the parties entered into a  
5 stipulation of settlement, and

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

8           WHEREAS, Miami-Dade County will pay the limit of  
9 \$200,000 under section 768.28, Florida Statutes, and

10           WHEREAS, Miami-Dade County has agreed to support a  
11 claim bill for the remaining amount of \$1,300,000, under the  
12 settlement agreement, NOW, THEREFORE,

13  
14 Be It Enacted by the Legislature of the State of Florida:

15  
16           Section 1. The facts stated in the preamble to this  
17 act are found and declared to be true.

18           Section 2. Miami-Dade County is authorized and  
19 directed to appropriate from funds of the county not otherwise  
20 appropriated and to draw a warrant in the sum of \$1,300,000  
21 payable to the guardianship of Elionne Joseph's three  
22 surviving children and the restricted depository as relief for  
23 the losses sustained.

24           Section 3. This act shall take effect upon becoming a  
25 law.