

HB 1251

2011

1 A bill to be entitled

2 An act for the relief of Ronnie Lopez and Robert Guzman,  
3 individually and as Co-Personal Representatives of the  
4 Estate of Ana-Yency Velasquez, deceased, and for Ronnie  
5 Lopez, Jr., Ashley Lorena Lopez-Velasquez, and Steven  
6 Robert Guzman, minor children of Ana-Yency Velasquez, by  
7 Miami-Dade County; providing for an appropriation to  
8 compensate the estate and the minor children for the death  
9 of Ana-Yency Velasquez as a result of the negligence of an  
10 employee of Miami-Dade County; providing a limitation on  
11 attorney's fees, lobbying fees, and costs; providing an  
12 effective date.

13  
14 WHEREAS, Ronnie Lopez, Co-Personal Representative of the  
15 Estate of Ana-Yency Velasquez, deceased, is the father of Ronnie  
16 Lopez, Jr., age 4, and Ashley Lorena Lopez-Velasquez, age 3, and  
17 Ana-Yency Velasquez, deceased, was the mother of Ronnie Lopez,  
18 Jr., and Ashley Lorena Lopez-Velasquez, and

19 WHEREAS, Robert Guzman, Co-Personal Representative of the  
20 Estate of Ana-Yency Velasquez, deceased, is the father of minor  
21 child, Steven Robert Guzman, age 8, and Ana-Yency Velasquez,  
22 Deceased, was the mother of Steven Robert Guzman, and

23 WHEREAS, on February 23, 2009, a Miami-Dade County Police  
24 Officer, when driving his marked police unit through an  
25 intersection, failed to obey a posted stop sign and also did not  
26 engage his lights or sirens, and

HB 1251

2011

27 WHEREAS, protocol for the Miami-Dade County Police  
28 Department requires that lights and sirens be engaged whenever  
29 any police vehicle is in pursuit of another vehicle, and

30 WHEREAS, section 316.271, Florida Statutes, requires lights  
31 and sirens to be engaged whenever an authorized emergency  
32 vehicle is responding to an emergency or in the immediate  
33 pursuit of an actual or suspected violator of the law, and

34 WHEREAS, the vehicle driven by the Miami-Dade County police  
35 unit was in pursuit of a phantom speeding vehicle at the time of  
36 the collision, and

37 WHEREAS, the Miami-Dade County police cruiser crashed into  
38 and broadsided the vehicle operated by Ana-Yency Velasquez, then  
39 23 years of age and the mother of three minor children, at the  
40 intersection of N.W. 112th St. and N.W. 12th Ave., and

41 WHEREAS, the Miami-Dade County police cruiser, operated by  
42 the officer struck the vehicle driven by Ana-Yency Velasquez  
43 with such force that her automobile crashed into the bedroom of  
44 a nearby residence, throwing debris from the automobile onto the  
45 roof of the residence, and

46 WHEREAS, Ana-Yency Velasquez was killed as a result of the  
47 negligence of an employee of Miami-Dade County, Florida, and

48 WHEREAS, mediation of the claims of this matter was held on  
49 November 17, 2010, and

50 WHEREAS, at mediation, Miami-Dade County acknowledged that  
51 the damages far exceeded the statutory limit of \$200,000  
52 established under s. 768.28, Florida Statutes, and the  
53 representatives of Miami-Dade County agreed and entered into a  
54 Mediation Settlement Agreement, and

55 WHEREAS, in the Mediation Settlement Agreement, Miami-Dade  
 56 County agreed to pay \$150,000 to the plaintiffs under the  
 57 statutory limits on damages and the remaining \$50,000 was paid  
 58 to the Co-Personal Representatives of the Estate of Ana-Yency  
 59 Velasquez and to the owner of the house that incurred damage as  
 60 a result of the crash, and

61 WHEREAS, Miami-Dade County has paid \$150,000 to the Co-  
 62 Personal Representatives of the Estate of Ana-Yency Velasquez  
 63 under the statutory limits of liability set forth in s. 768.28,  
 64 Florida Statutes, and

65 WHEREAS, Miami-Dade County has agreed in the Mediation  
 66 Settlement Agreement to actively support the passage of a claims  
 67 bill in the amount of \$1,010,000, NOW, THEREFORE,

68  
 69 Be It Enacted by the Legislature of the State of Florida:

70  
 71 Section 1. The facts stated in the preamble to this act  
 72 are found and declared to be true.

73 Section 2. Miami-Dade County is authorized and directed to  
 74 appropriate from funds of the county not otherwise appropriated  
 75 and to draw a warrant in the sum of \$1,010,000 payable to Ronnie  
 76 Lopez and Robert Guzman, individually and as Co-Personal  
 77 Representatives of the Estate of Ana-Yency Velasquez, deceased,  
 78 for the benefit of Ronnie Lopez, Jr., Ashley Lorena Lopez-  
 79 Velasquez, and Steven Robert Guzman, minor children of Ana-Yency  
 80 Velasquez, as compensation for the death of Ana-Yency Velasquez  
 81 as a result of the negligence of an employee of Miami-Dade  
 82 County.

HB 1251

2011

83           Section 3. This award is intended to provide the sole  
84 compensation for all present and future claims arising out of  
85 the factual situation described in the preamble to this act  
86 which resulted in the death of Ana-Yency Velasquez. The total  
87 amount paid for attorney's fees, lobbying fees, costs, and  
88 similar expenses relating to this claim may not exceed 25  
89 percent of the total amount awarded under section 2.

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