

By Senator Braynon

33-04535-11

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

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

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

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

28           WHEREAS, protocol for the Miami-Dade County Police  
29          Department requires that lights and sirens be engaged whenever

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30 any police vehicle is in pursuit of another vehicle, and

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

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

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

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

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

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

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

56 WHEREAS, in the Mediation Settlement Agreement, Miami-Dade  
57 County agreed to pay \$150,000 to the plaintiffs under the  
58 statutory limits on damages and the remaining \$50,000 was paid

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59 to the Co-Personal Representatives of the Estate of Ana-Yency  
60 Velasquez and to the owner of the house that incurred damage as  
61 a result of the crash, and

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

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

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

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

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

84 Section 3. This award is intended to provide the sole  
85 compensation for all present and future claims arising out of  
86 the factual situation described in the preamble to this act  
87 which resulted in the death of Ana-Yency Velasquez. The total

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88 amount paid for attorney's fees, lobbying fees, costs, and  
89 similar expenses relating to this claim may not exceed 25  
90 percent of the total amount awarded under section 2.

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