

By Senator Braynon

33-00126-12

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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 the payment of fees and costs; providing an  
13      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, s. 316.271, Florida Statutes, requires that sirens  
32 be engaged whenever an authorized emergency vehicle is  
33 responding to an emergency or in immediate pursuit of an actual  
34 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 claim  
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  
77 Ronnie 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. The amount paid by Miami-Dade County pursuant to  
85 s. 768.28, Florida Statutes, and the amount awarded under this  
86 act are intended to provide the sole compensation for all  
87 present and future claims arising out of the factual situation

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88 described in the preamble to this act which resulted in the  
89 death of Ana-Yency Velasquez. The total amount paid for  
90 attorney's fees, lobbying fees, costs, and similar expenses  
91 relating to this claim may not exceed 25 percent of the total  
92 amount awarded under section 2 of this act.

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