

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.

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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.