



STORAGE NAME: h0579.CVJS

DATE: 2/15/2012

**Florida House of Representatives
Summary Claim Bill Report**

Bill #: HB 579; Relief/Lopez, Guzman, Lopez, Jr., Lopez-Velasquez, and Guzman/Miami-Dade County

Sponsor: Representative Nuñez

Companion Bill: SB 16 by Senator Braynon

Special Master: Tom Thomas

Basic Information:

Claimants: Ronnie Lopez and Robert Guzman, as co-personal representatives of the Estate of Ana Yency Velasquez, deceased, for the benefit of Ronnie Lopez, Jr., Ashley Lorena Lopez-Velasquez, and Steven Robert Guzman, minor children of Ana Yency Velasquez.

Respondent: Miami-Dade County

Amount Requested: \$1,010,000

Type of Claim: Local equitable claim; result of a settlement agreement.

Respondent's Position: Miami-Dade County supports the passage of this claim bill.

Collateral Sources: None reported.

Attorney's/Lobbying Fees: The claimant's attorney provided an affidavit stating that the attorney's fees will be capped at 25% of the total claim award in accordance with s. 768.28(8), F.S., and that the lobbyist's fees, if any, will be included in the 25% fee cap.

Prior Legislative History: House Bill 1251 by Representative Pafford and Senate Bill 2222 by Senator Braynon were filed during the 2011 Legislative Session. Neither bill was ever heard in any committee

Procedural Summary: This case was successfully mediated prior to any litigation being filed. Mediation was held on November 17, 2010, whereupon the parties entered into a Mediation Settlement Agreement. The settlement called for the County to pay the Claimants \$150,000 immediately and to support the passage of a claim bill for \$1,010,000.

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Facts of Case: On February 23, 2009, a Miami-Dade County police officer, when driving his marked police unit through an intersection, failed to obey a posted stop sign. The vehicle driven by the officer was reported to be in pursuit of a speeding vehicle but did not have his lights or siren engaged. Protocol for the Miami-Dade County Police Department requires that lights and sirens be engaged whenever any police vehicle is in pursuit of another vehicle. Section 316.271, F.S., requires that sirens be engaged whenever an authorized emergency vehicle is responding to an emergency or in immediate pursuit of an actual or suspected violator of the law.

The Miami-Dade County police cruiser crashed into the vehicle operated by Ana Yency Velasquez at the intersection of N.W. 112th St. and N.W. 12th Ave. The impact caused Ms. Velasquez's automobile to crash into the bedroom of a nearby residence. Ms. Velasquez was killed as a result of the accident. At the time of the accident, Ms. Velasquez was 23 years old and the mother of three minor children.

Ronnie Lopez, a co-personal representative of the Estate of Ana Yency Velasquez, is the father of Ronnie Lopez, Jr., age 5 and Ashley Lorena Lopez-Velasquez, age 4. Ana Yency Velasquez was the mother of Ronnie Lopez, Jr., and Ashley Lorena Lopez-Velasquez.

Robert Guzman, a co-personal representative of the Estate of Ana Yency Velasquez, is the father of Steven Robert Guzman, age 9. Ana Yency Velasquez, was the mother of Steven Robert Guzman.

Any funds awarded by the claim bill will go into a depository for equal distribution on behalf of the three children.

Recommendation: I respectfully recommend House Bill 579 be reported **FAVORABLY**.

Tom Thomas, Special Master

Date: February 15, 2012

cc: Representative Nunez, House Sponsor
Senator Braynon, Senate Sponsor
Judge Bram D. E. Canter, Senate Special Master