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CS/HB 579, Engrossed 2

2012 Legislature

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2 An act for the relief of Ronnie Lopez and Roberto
3 Guzman, as co-personal representatives of the Estate
4 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,
7 by Miami-Dade County; providing for an appropriation
8 to compensate the estate and the minor children for
9 the death of Ana-Yency Velasquez as a result of the
10 negligence of an employee of Miami-Dade County;
11 providing a limitation on the payment of fees and
12 costs; providing an 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 5, and Ashley Lorena Lopez-Velasquez, age 4, and
17 Ana-Yency Velasquez, deceased, was the mother of Ronnie Lopez,
18 Jr., and Ashley Lorena Lopez-Velasquez, and

19 WHEREAS, Roberto Guzman, co-personal representative of the
20 Estate of Ana-Yency Velasquez, deceased, is the father of minor
21 child, Steven Robert Guzman, age 9, and Ana-Yency Velasquez,
22 deceased, was the mother of Steven Robert Guzman, and

23 WHEREAS, on February 28, 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

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

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

30 WHEREAS, s. 316.271, Florida Statutes, requires that sirens
31 be engaged whenever an authorized emergency vehicle is
32 responding to an emergency or in immediate pursuit of an actual
33 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, Miami-Dade County has paid \$150,000 to the co-
56 personal representatives of the Estate of Ana-Yency Velasquez

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57 | under the statutory limits of liability set forth in s. 768.28,
 58 | Florida Statutes, and

59 | WHEREAS, Miami-Dade County has agreed in the Mediation
 60 | Settlement Agreement to actively support the passage of a claim
 61 | bill in the amount of \$1,010,000, NOW, THEREFORE,

62 |

63 | Be It Enacted by the Legislature of the State of Florida:

64 |

65 | Section 1. The facts stated in the preamble to this act
 66 | are found and declared to be true.

67 | Section 2. Miami-Dade County is authorized and directed to
 68 | appropriate from funds of the county not otherwise appropriated
 69 | and to draw a warrant in the sum of \$1,010,000, payable to
 70 | Ronnie Lopez and Roberto Guzman, as co-personal representatives
 71 | of the Estate of Ana-Yency Velasquez, deceased, for the benefit
 72 | of Ronnie Lopez, Jr., Ashley Lorena Lopez-Velasquez, and Steven
 73 | Robert Guzman, minor children of Ana-Yency Velasquez, as
 74 | compensation for the death of Ana-Yency Velasquez as a result of
 75 | the negligence of an employee of Miami-Dade County.

76 | Section 3. The amount paid by Miami-Dade County pursuant
 77 | to s. 768.28, Florida Statutes, and the amount awarded under
 78 | this act are intended to provide the sole compensation for all
 79 | present and future claims arising out of the factual situation
 80 | described in the preamble to this act which resulted in the
 81 | death of Ana-Yency Velasquez. The total amount paid for
 82 | attorney's fees, lobbying fees, costs, and similar expenses
 83 | relating to this claim may not exceed 15 percent of the first
 84 | \$1,000,000 awarded under this act and 10 percent of the

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85 remainder awarded under this act, for a total of \$151,000.
86 However, taxable costs, which may not include attorney's fees
87 and lobbying fees, related to the underlying civil action may be
88 collected in addition to the \$151,000.

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