

By Senator Grimsley

21-00142-14

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1                                   A bill to be entitled  
2       An act for the relief of the Estate of Lazaro  
3       Rodriguez by the City of Hialeah; providing for an  
4       appropriation to compensate the Estate and Lazaro  
5       Rodriguez's legal survivors for injuries sustained as  
6       a result of the negligence of the City of Hialeah;  
7       providing a limitation on the payment of fees and  
8       costs; providing that the appropriation settles all  
9       present and future claims related to the wrongful  
10      death of Lazaro Rodriguez; providing an effective  
11      date.

12  
13           WHEREAS, on July 30, 2000, at approximately 10:14 p.m., 29-  
14      year-old Lazaro Rodriguez was lawfully and properly operating  
15      his 1997 Ford Explorer in the westbound lanes of East 32nd  
16      Street in the City of Hialeah, and

17           WHEREAS, at the same time, Officer Jorge Rodriguez, a City  
18      of Hialeah road patrolman, was on duty and overheard a radio  
19      summons of another unit, and despite the fact that he was not  
20      dispatched to the call, decided to respond, and

21           WHEREAS, in responding to the call, Officer Rodriguez was  
22      traveling northbound on Palm Avenue in the City of Hialeah while  
23      Lazaro Rodriguez was traveling westbound on East 32nd Street,  
24      and

25           WHEREAS, Officer Rodriguez ran the red light at the  
26      intersection of Palm Avenue and East 32nd Street, crashing his  
27      police cruiser into the driver side of the vehicle driven by  
28      Lazaro Rodriguez, and

29           WHEREAS, the severe impact of the collision forced Lazaro

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30 Rodriguez's vehicle into a concrete utility pole at the  
31 northwest corner of the intersection and then into another  
32 vehicle, and

33 WHEREAS, the force of the crash was so great that it caused  
34 massive and fatal blunt trauma injuries to Lazaro Rodriguez, and  
35 he was pronounced dead at the scene, and

36 WHEREAS, at the conclusion of the traffic homicide  
37 investigation concerning the death of Lazaro Rodriguez, the City  
38 of Hialeah Police Department found that Officer Rodriguez had  
39 violated Florida traffic statutes by unlawfully running the red  
40 light at the intersection of Palm Avenue and East 32nd Street  
41 and operating his motor vehicle in a careless manner, and that  
42 these violations were the legal cause of the traffic collision  
43 and the death of Lazaro Rodriguez, and

44 WHEREAS, Lazaro Rodriguez left a widow, Beatriz Luquez, and  
45 children, Lazaro, Jr., and Katherine, all of whom were dependent  
46 upon him financially and emotionally and who loved him dearly,  
47 and

48 WHEREAS, in 2001, Ms. Luquez, individually and as the  
49 personal representative of the Estate of Lazaro Rodriguez, filed  
50 a wrongful death lawsuit in the 11th Judicial Circuit Court in  
51 and for Miami-Dade County, styled *Beatriz Luquez, individually  
52 and as Personal Representative of the Estate of Lazaro Rodriguez  
53 v. City of Hialeah*, Case No. 01-3691 CA 08, and

54 WHEREAS, the parties to the lawsuit entered into a formal  
55 settlement agreement following mediation and a unanimous vote by  
56 the Hialeah City Council, and

57 WHEREAS, the terms of the settlement agreement required the  
58 claimants to dismiss their case with prejudice and provide a

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59 full release of liability to the city and its employees, which  
60 the claimants have done, in exchange for payments by the City of  
61 Hialeah totaling \$685,000, plus \$25,000 for costs, to be paid  
62 over five years, provided that the Legislature approve the  
63 unpaid amounts, and

64 WHEREAS, pursuant to the settlement agreement, the City of  
65 Hialeah has paid \$200,000 to the claimants, leaving an unpaid  
66 balance of \$485,000, and

67 WHEREAS, as part of the terms of the Settlement Agreement  
68 and General Release, the City of Hialeah has agreed to support  
69 the passage of a claim bill and to pay the remaining balance of  
70 \$485,000 in five installments, with the last payment to be made  
71 on July 1, 2016, NOW, THEREFORE,

72

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

74

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

77 Section 2. The City of Hialeah is authorized and directed  
78 to appropriate from funds of the city not otherwise appropriated  
79 and to draw a warrant in the amount of \$485,000, payable to  
80 Beatriz Luquez, individually and as personal representative of  
81 the Estate of Lazaro Rodriguez, and to Lazaro Rodriguez, Jr.,  
82 and Katherine Rodriguez, as compensation for injuries and  
83 damages sustained by the claimants as a result of the death of  
84 Lazaro Rodriguez. The amount of \$185,000 shall be paid within 10  
85 days of the effective date of this act, \$100,000 shall be paid  
86 on July 1, 2014, \$100,000 shall be paid on July 1, 2015, and  
87 \$100,000 shall be paid on July 1, 2016.

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88       Section 3. The total amount paid for attorney fees,  
89 lobbying fees, costs, and other similar expenses relating to  
90 this claim may not exceed 25 percent of the total amount awarded  
91 under this act.

92       Section 4. The amounts awarded pursuant to the waiver of  
93 sovereign immunity under s. 768.28, Florida Statutes, and under  
94 this act are intended to provide the sole compensation for all  
95 present and future claims arising out of the factual situation  
96 described in the preamble to this act which resulted in the  
97 death of Lazaro Rodriguez.

98       Section 5. This act shall take effect upon becoming a law.