



STORAGE NAME: h3505.CJS

DATE: 4/3/2015

Florida House of Representatives Summary Claim Bill Report

Bill #: HB 3505; Relief/Estate of Lazaro Rodriguez/City of Hialeah

Sponsor: Steube

Companion Bill: SB 44 by Grimsley

Special Master: Parker Aziz

Basic Information:

Claimants:	Beatriz Luquez, individually and as personal representative of the Estate of Lazaro Rodriguez; Lazaro Rodriguez, Jr., and Katherine Rodriguez
Respondent:	City of Hialeah
Amount Requested:	\$485,000
Type of Claim:	Local equitable claim; result of a settlement agreement
Respondent's Position:	Hialeah City Council approved the settlement of a wrongful death claim on April 15, 2011. Hialeah's position is that the terms of the settlement are reasonable.
Collateral Sources:	None.
Attorney's/Lobbying Fees:	The bill specifically provides that the total amount paid for attorney fees, lobbying fees, costs and similar expenses relating to the claim may not exceed 25% of the total awarded under the bill.
Prior Legislative History:	House Bill 3505 by Representative Steube and Senate Bill 60 by Senator Grimsley were filed during the 2014 Legislative Session. It was introduced but died in the Judiciary Committee in the Senate and the Civil Justice Subcommittee in the House.

Procedural Summary: Beatriz Luquez, the decedent's wife, as personal representative of the Estate of Lazaro Rodriguez initiated a wrongful death action in 2001. Claims were made for the benefit of three survivors: Beatriz Luquez, the decedent's wife; Lazaro Rodriguez, Jr., the decedent's son from a prior marriage; and Katherine Rodriguez, the decedent's daughter with Beatriz Luquez.

SPECIAL MASTER'S SUMMARY REPORT--

Page 2

The case was litigated for 10 years whereupon it was settled for the total amount of \$685,000, plus \$25,000 in costs.

The City of Hialeah ("City"), in accordance with statutory limits of liability in s. 768.28, F.S., at the time of the accident, paid \$200,000 to the claimants, plus an additional \$25,000 in costs. From those monies, attorney's recovered \$56,250 in attorney fees and \$11,250 in appellate attorney fees for Lauri Ross. Additionally, the attorneys recovered \$44,243.29 in unreimbursed costs and expenses.

After the deductions for attorneys' fees and costs, the claimants' net settlement was \$113,256.71. The net settlement was divided into equal shares between Beatriz Luquez, Lazaro Rodriguez, Jr., and Katherine Rodriguez. Each claimant received \$37,752.23.

Funds for the claims bill have been budgeted from the City's General Fund to be paid over five years.

Facts of Case: On the evening of July 30, 2000, Officer Jorge Rodriguez was attending a domestic violence call in Hialeah. Officer Leonor Duquela was back up for that same domestic violence call. Officer Duquela received a radio dispatch directing her to attend a domestic disturbance call as back up for another officer. Officer Rodriguez was not dispatched to the domestic disturbance call.

Officer Rodriguez elected to self-initiate a response to the domestic disturbance call with Officer Duquela. Rather than follow Officer Duquela, Officer Rodriguez continued north on Palm Avenue in Hialeah. Lazaro Rodriguez was driving westbound on 32nd Street, which intersects with Palm Avenue. Lazaro Rodriguez was proceeding forward with a green light at the intersection when Officer Rodriguez entered the intersection with a red light controlling his direction of travel. At approximately 10:15 PM at the intersection of Palm Avenue and 32nd Street, Lazaro Rodriguez's Ford Explorer and Officer Jorge Rodriguez's police car collided.

As a result of the impact with Officer Rodriguez's police vehicle, Lazaro Rodriguez's Ford Explorer hit a curb, tipped on its side, hit a concrete pole in the northwest corner of the intersection, continued to spin on its side, and impacted a third vehicle, a blue Toyota, where the vehicle came to rest. Lazaro Rodriguez was pronounced dead at the scene.

The City of Hialeah Police Department ("Department") conducted an internal investigation into the accident and found that Officer Rodriguez had violated Florida traffic statutes by unlawfully running the red light at the intersection. The Department found that Officer Rodriguez was operating his police vehicle in a careless manner and that the violations were the legal cause of the collision and death of Lazaro Rodriguez. The Department issued Officer Rodriguez a reprimand and two citations, for running a red light and careless driving.

Lazaro Rodriguez was born in Cuba and entered the United States illegally using a Spanish passport in the mid-1990s. He was in the process of claiming residency when the accident occurred.

Lazaro Rodriguez left behind his widow and business partner, Beatriz Luquez, and a daughter with Beatriz Luquez, Katherine Rodriguez, aged 3 at the time of the accident. He also left behind a son from a previous marriage, Lazaro Rodriguez, Jr., aged 8 at the time of the accident. Beatriz Luquez never remarried, and she and Katherine reside in the family home that Lazaro and Beatriz purchased together. Lazaro Rodriguez, Jr. resided in Spain with his mother at the time of the accident but now resides Florida.

In 2008, Claimants' counsel retained F.A. Raffa, Ph.D., to determine a present value assessment of

SPECIAL MASTER'S SUMMARY REPORT--

Page 3

the loss of dependent support and loss of household and childcare services occasioned by the death of Lazaro Rodriguez. Dr. Raffa calculated in 2008 that the total economic loss from the date of death to March 2009 ranged from \$897,932 to \$1,047,000. Given this estimation of loss and the pain the family has gone through, \$485,000 is an appropriate settlement.

Recommendation: I respectfully recommend that House Bill 3505 be reported **FAVORABLY** subject to changing Lazaro Rodriguez's age from 29 years old to 28 years old (line 13) and clarifying the apparent conflict about when payments are to be made (lines 61-62, 69, and 82-83).

Parker Aziz, Special Master

Date: April 3, 2015

cc: Representative Steube, House Sponsor
Senator Grimsley, Senate Sponsor
Scott Clodfelter, Senate Special Master