

ENROLLED

CS/HB 3505

2015 Legislature

1  
2 An act for the relief of the Estate of Lazaro  
3 Rodriguez and his legal survivors by the City of  
4 Hialeah; providing an appropriation to compensate the  
5 Estate and Lazaro Rodriguez's legal survivors for  
6 injuries sustained as a result of the negligence of  
7 the City of Hialeah; providing a limitation on the  
8 payment of fees and costs; providing that the  
9 appropriation settles all present and future claims  
10 related to the wrongful death of Lazaro Rodriguez;  
11 providing an effective date.  
12

13 WHEREAS, on July 30, 2000, at approximately 10:14 p.m., 28-  
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

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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  
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 loved him dearly, and

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

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

56 WHEREAS, the terms of the settlement agreement required the  
 57 claimants to dismiss their case with prejudice and provide a  
 58 full release of liability to the city and its employees, which  
 59 the claimants have done, in exchange for payments by the City of  
 60 Hialeah totaling \$685,000, plus \$25,000 for costs, to be paid if  
 61 the Legislature approves the unpaid amounts, and

62 WHEREAS, pursuant to the settlement agreement, the City of  
 63 Hialeah has paid \$200,000 to the claimants, plus \$25,000 for  
 64 costs, leaving an unpaid balance of \$485,000, and

65 WHEREAS, as part of the terms of the settlement agreement  
 66 and general release, the City of Hialeah has agreed to support  
 67 the passage of a claim bill and to pay the remaining balance of  
 68 \$485,000 in installments, with the last payment to be made on  
 69 July 1, 2016, NOW, THEREFORE,

70  
 71 Be It Enacted by the Legislature of the State of Florida:

72  
 73 Section 1. The facts stated in the preamble to this act  
 74 are found and declared to be true.

75 Section 2. The City of Hialeah is authorized and directed  
 76 to appropriate from funds of the city not otherwise appropriated  
 77 and to draw warrants totaling the amount of \$485,000, payable to  
 78 Beatriz Luquez, individually and as personal representative of

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79 the Estate of Lazaro Rodriguez, and to Lazaro Rodriguez, Jr.,  
80 and Katherine Rodriguez, as compensation for injuries and  
81 damages sustained by the claimants as a result of the death of  
82 Lazaro Rodriguez. The amount of \$385,000 shall be paid on July  
83 1, 2015, and \$100,000 shall be paid on July 1, 2016.

84 Section 3. The total amount paid for attorney fees,  
85 lobbying fees, costs, and other similar expenses relating to  
86 this claim may not exceed 25 percent of the total amount awarded  
87 under this act.

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

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