



THE FLORIDA SENATE

SPECIAL MASTER ON CLAIM BILLS

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DATE	COMM	ACTION
01/07/16	SM	Fav/1 amendment
01/27/16	JU	Fav/CS
02/16/16	CA	Favorable
02/23/16	FP	Favorable

January 7, 2016

The Honorable Andy Gardiner
President, The Florida Senate
Suite 409, The Capitol
Tallahassee, Florida 32399-1100

Re: **CS/SB 46** – Judiciary Committee and Senator Flores
HB 3525 – Representative Frank Artiles
Relief of Melvin and Alma Colindres by the City of Miami

SPECIAL MASTER'S FINAL REPORT

THIS IS A CONTESTED CLAIM FOR \$2,550,000 BASED ON A FINAL JUDGMENT, ENTERED FOLLOWING A NON-BINDING ARBITRATION, FOR MELVIN AND ALMA COLINDRES AND THE ESTATE OF THEIR SON, KEVIN COLINDRES, AGAINST THE CITY OF MIAMI TO COMPENSATE CLAIMANTS FOR THE DEATH OF KEVIN COLINDRES, WHICH OCCURRED WHILE IN POLICE CUSTODY.

CURRENT STATUS:

On December 7, 2010, an administrative law judge from the Division of Administrative Hearings, serving as a Senate special master, held a de novo hearing on a previous version of this bill, SB 54 (2011). After the hearing, the judge issued a report containing findings of fact and conclusions of law and recommended that the bill be reported favorably with amendments. That report is attached as an addendum to this report.

Due to the passage of time since the hearing, the Senate President reassigned the claim to me as Special Master. My responsibilities were to review the records relating to the claim bill, be available for questions from the members, and determine whether any changes have occurred since the

hearing, which if known at the hearing, might have significantly altered the findings or recommendation in the previous report.

Review of correspondence and documents submitted by counsel for the claimants indicate that no changes have occurred since the hearing which might have altered the findings and recommendations in the report.

The prior claim bill, SB 54 (2011), as filed, is effectively identical to the claim bill filed for the 2016 Regular Legislative Session. Therefore, the previous Special Master report is applicable to the current claim bill. However, the current claim bill does not include amendments that were made to SB 54 (2011). One amendment was made in committee to adopt the Special Master's recommendations for revision of factual statements in the bill. This amendment was based on the Special Master's factual findings, and I recommend the same amendment to the current bill. Senate Bill 54 (2011) was also amended on the floor to reduce the amount of the claim from \$2,550,000 to \$550,000.

One difference between the current claim bill and SB 54 (2011) is that the current bill states that the police officers who arrived at the Colindreses' home "were required, according to the City of Miami's policies and procedures, to have been trained on interaction with and restraint of persons with intellectual disabilities." Senate Bill 54 (2011) stated that the officers "were supposed to have been trained on interaction with and restraint of the mentally ill." While the previous Special Master and I found evidence to support the original statement, I did not find evidence in the record to support the more specific statement in the current claim bill. Therefore, I recommend that this Finding of Fact be amended accordingly.

Respectfully submitted,

Scott Clodfelter
Senate Special Master

cc: Secretary of the Senate

CS by Judiciary:

The committee substitute reduces the amount of the claim in the underlying bill to \$550,000 from \$2.55 million.