

By Senator Rodriguez

39-00676-21

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1 A bill to be entitled
2 An act for the relief of the Estate of Emilio Jesus
3 Vizcaino-Aday by Miami-Dade County; providing for an
4 appropriation to compensate the Estate of Emilio Jesus
5 Vizcaino-Aday for injuries and damages sustained by
6 Emilio Jesus Vizcaino-Aday and his survivors as a
7 result of the negligence of Miami-Dade County;
8 providing a limitation on the payment of attorney
9 fees; providing an effective date.

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11 WHEREAS, on March 6, 2018, Emilio Jesus Vizcaino-Aday was
12 lawfully traveling in his vehicle south on SW 147th Avenue
13 toward the intersection at SW 260th Street in Miami-Dade County,
14 wearing his seatbelt and traveling at or below the posted speed
15 limit, and

16 WHEREAS, Mr. Vizcaino-Aday was struck by a Miami-Dade
17 Police Department vehicle owned by Miami-Dade County, which was
18 operated by one of its law enforcement officers, and

19 WHEREAS, the Estate of Emilio Jesus Vizcaino-Aday has
20 alleged, through a lawsuit filed on July 18, 2019, that the
21 negligence of Miami-Dade County, through its law enforcement
22 officer, was the proximate cause of the death of Mr. Vizcaino-
23 Aday, and

24 WHEREAS, Ailin Avalos, Mr. Vizcaino-Aday's widow, and
25 Neiser Josa Vizcaino Rojas, Mr. Vizcaino-Aday's son, have
26 suffered significant financial damages due to the loss of Mr.
27 Vizcaino-Aday's net income accumulation in the past and future
28 and have experienced extreme mental anguish and suffering as a
29 result of the loss of their husband and father, and

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30 WHEREAS, the Estate of Neiser Josa Vizcaino Rojas and
31 Miami-Dade County have reached a tentative compromise settlement
32 pending county approval, the settlement being in the amount of
33 \$650,000, and

34 WHEREAS, pursuant to the agreement between the parties, the
35 settlement will be partially satisfied in the amount of
36 \$300,000, and

37 WHEREAS, pursuant to the settlement, the claim shall be
38 considered fully satisfied by payment of an additional \$350,000
39 by Miami-Dade County to the Estate of Neiser Josa Vizcaino
40 Rojas, as authorized by the Florida Legislature, NOW, THEREFORE,

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42 Be It Enacted by the Legislature of the State of Florida:
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44 Section 1. The facts stated in the preamble to this act are
45 found and declared to be true.

46 Section 2. Miami-Dade County is authorized and directed to
47 appropriate from funds not otherwise encumbered and to draw a
48 warrant in the sum of \$350,000 payable to the Estate of Neiser
49 Josa Vizcaino Rojas as compensation for injuries and damages
50 sustained.

51 Section 3. The amount paid by Miami-Dade County pursuant to
52 s. 768.28, Florida Statutes, and the amount awarded under this
53 act are intended to provide the sole compensation for all
54 present and future claims arising out of the factual situation
55 described in this act which resulted in the death of Emilio
56 Jesus Vizcaino-Aday, including injuries and damages to the
57 Estate of Emilio Jesus Vizcaino-Aday and his survivors. The
58 total amount paid for attorney fees, lobbying costs, and similar

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59 expenses relating to this claim may not exceed 25 percent of the
60 total amount awarded under this act. However, taxable costs that
61 may not include attorney fees and lobbying fees related to the
62 underlying civil action may be collected in addition to the
63 aforementioned attorney fees and lobbying costs.

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