

By the Committee on Judiciary; and Senator Rodriguez

590-03197-21

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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.

10  
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 Emilio Jesus Vizcaino-Aday 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 Emilio Jesus Vizcaino-  
40 Aday, as authorized by the Florida Legislature, NOW, THEREFORE,

41  
42 Be It Enacted by the Legislature of the State of Florida:  
43

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 Emilio  
49 Jesus Vizcaino-Aday 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.