

HB 6503

2021

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

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  
 45 | are 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  
52 to s. 768.28, Florida Statutes, and the amount awarded under  
53 this 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  
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.