

ENROLLED

CS/HB 6503

2021 Legislature

1
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

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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 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
 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 Emilio
 49 | Jesus Vizcaino-Aday as compensation for injuries and damages
 50 | sustained.

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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 may not exceed \$70,000 and
59 the total amount paid for lobbying fees may not exceed \$17,500.

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