

Senate Bill No. 22

An act relating to the relief of the children of Elionne Joseph; requiring Dade County to compensate her children for her death as a result of the negligence of the Dade Metro Police; providing an effective date.

WHEREAS, on March 6, 1995, Elionne Joseph died in an automobile accident when her car collided with a car driven by a teenager who in an attempt to evade police ran a red light at the intersection of 135th St. and the I-95 off-ramp in Metropolitan Dade County, and

WHEREAS, Ms. Joseph is survived by three minor children, Evane Dorival, Sandie Dorival, and Judith Dorival, and by her ex-husband, Joseph Dorival, with whom she was living during the year before her death, and

WHEREAS, the attorney representing the estate of Elionne Joseph claims that the Dade County Police were pursuing the teenagers improperly and in contravention of a county administrative order that allows pursuits only when officers reasonably believe that the fleeing suspect has committed or attempted to commit a violent felony, and

WHEREAS, such attorney contends that the accident in which Ms. Joseph died was caused by the high-speed police chase, and

WHEREAS, prior to trial, the parties reached an agreement to settle the matter for the total amount of \$1,500,000, and

WHEREAS, on October 9, 1998, the parties entered into a stipulation of settlement, and

WHEREAS, on November 18, 1998, a consent judgment was entered approving the stipulation of settlement, and

WHEREAS, Metropolitan Dade County will pay the limit of \$200,000 under section 768.28, Florida Statutes, and

WHEREAS, Metropolitan Dade County has agreed to support a claim bill for the remaining amount of \$1,300,000, under the settlement agreement, NOW, THEREFORE,

Be It Enacted by the Legislature of the State of Florida:

Section 1. The facts stated in the preamble to this act are found and declared to be true.

Section 2. Metropolitan Dade County is authorized and directed to appropriate the sum of \$1,300,000 from funds of the county not otherwise encumbered, to be paid to the guardianship of Elionne Joseph's three surviving children and the restricted depository as relief for the losses sustained.

Section 3. The financial officer of Metropolitan Dade County is directed to draw a warrant in the sum of \$1,300,000 in favor of the guardianship of Elionne Joseph's three surviving children and the restricted depository.

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

Approved by the Governor April 5, 1999.

Filed in Office Secretary of State April 5, 1999.