

## CHAPTER 2012-236

### Committee Substitute for House Bill No. 579

An act for the relief of Ronnie Lopez and Roberto Guzman, as co-personal representatives of the Estate of Ana-Yency Velasquez, deceased, and for Ronnie Lopez, Jr., Ashley Lorena Lopez-Velasquez, and Steven Robert Guzman, minor children of Ana-Yency Velasquez, by Miami-Dade County; providing for an appropriation to compensate the estate and the minor children for the death of Ana-Yency Velasquez as a result of the negligence of an employee of Miami-Dade County; providing a limitation on the payment of fees and costs; providing an effective date.

WHEREAS, Ronnie Lopez, co-personal representative of the Estate of Ana-Yency Velasquez, deceased, is the father of Ronnie Lopez, Jr., age 5, and Ashley Lorena Lopez-Velasquez, age 4, and Ana-Yency Velasquez, deceased, was the mother of Ronnie Lopez, Jr., and Ashley Lorena Lopez-Velasquez, and

WHEREAS, Roberto Guzman, co-personal representative of the Estate of Ana-Yency Velasquez, deceased, is the father of minor child, Steven Robert Guzman, age 9, and Ana-Yency Velasquez, deceased, was the mother of Steven Robert Guzman, and

WHEREAS, on February 28, 2009, a Miami-Dade County Police Officer, when driving his marked police unit through an intersection, failed to obey a posted stop sign and also did not engage his lights or sirens, and

WHEREAS, protocol for the Miami-Dade County Police Department requires that lights and sirens be engaged whenever any police vehicle is in pursuit of another vehicle, and

WHEREAS, s. 316.271, Florida Statutes, requires that sirens be engaged whenever an authorized emergency vehicle is responding to an emergency or in immediate pursuit of an actual or suspected violator of the law, and

WHEREAS, the vehicle driven by the Miami-Dade County police unit was in pursuit of a phantom speeding vehicle at the time of the collision, and

WHEREAS, the Miami-Dade County police cruiser crashed into and broadsided the vehicle operated by Ana-Yency Velasquez, then 23 years of age and the mother of three minor children, at the intersection of N.W. 112th St. and N.W. 12th Ave., and

WHEREAS, the Miami-Dade County police cruiser operated by the officer struck the vehicle driven by Ana-Yency Velasquez with such force that her automobile crashed into the bedroom of a nearby residence, throwing debris from the automobile onto the roof of the residence, and

WHEREAS, Ana-Yency Velasquez was killed as a result of the negligence of an employee of Miami-Dade County, Florida, and

WHEREAS, mediation of the claims of this matter was held on November 17, 2010, and

WHEREAS, at mediation, Miami-Dade County acknowledged that the damages far exceeded the statutory limit of \$200,000 established under s. 768.28, Florida Statutes, and the representatives of Miami-Dade County agreed and entered into a Mediation Settlement Agreement, and

WHEREAS, Miami-Dade County has paid \$150,000 to the co-personal representatives of the Estate of Ana-Yency Velasquez under the statutory limits of liability set forth in s. 768.28, Florida Statutes, and

WHEREAS, Miami-Dade County has agreed in the Mediation Settlement Agreement to actively support the passage of a claim bill in the amount of \$1,010,000, 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. Miami-Dade County is authorized and directed to appropriate from funds of the county not otherwise appropriated and to draw a warrant in the sum of \$1,010,000, payable to Ronnie Lopez and Roberto Guzman, as co-personal representatives of the Estate of Ana-Yency Velasquez, deceased, for the benefit of Ronnie Lopez, Jr., Ashley Lorena Lopez-Velasquez, and Steven Robert Guzman, minor children of Ana-Yency Velasquez, as compensation for the death of Ana-Yency Velasquez as a result of the negligence of an employee of Miami-Dade County.

Section 3. The amount paid by Miami-Dade County pursuant to s. 768.28, Florida Statutes, and the amount awarded under this act are intended to provide the sole compensation for all present and future claims arising out of the factual situation described in the preamble to this act which resulted in the death of Ana-Yency Velasquez. The total amount paid for attorney's fees, lobbying fees, costs, and similar expenses relating to this claim may not exceed 15 percent of the first \$1,000,000 awarded under this act and 10 percent of the remainder awarded under this act, for a total of \$151,000. However, taxable costs, which may not include attorney's fees and lobbying fees, related to the underlying civil action may be collected in addition to the \$151,000.

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

Approved by the Governor March 29, 2012.

Filed in Office Secretary of State March 29, 2012.