

CHAPTER 2015-208

Committee Substitute for House Bill No. 3505

An act for the relief of the Estate of Lazaro Rodriguez and his legal survivors by the City of Hialeah; providing an appropriation to compensate the Estate and Lazaro Rodriguez's legal survivors for injuries sustained as a result of the negligence of the City of Hialeah; providing a limitation on the payment of fees and costs; providing that the appropriation settles all present and future claims related to the wrongful death of Lazaro Rodriguez; providing an effective date.

WHEREAS, on July 30, 2000, at approximately 10:14 p.m., 28-year-old Lazaro Rodriguez was lawfully and properly operating his 1997 Ford Explorer in the westbound lanes of East 32nd Street in the City of Hialeah, and

WHEREAS, at the same time, Officer Jorge Rodriguez, a City of Hialeah road patrolman, was on duty and overheard a radio summons of another unit and, despite the fact that he was not dispatched to the call, decided to respond, and

WHEREAS, in responding to the call, Officer Rodriguez was traveling northbound on Palm Avenue in the City of Hialeah while Lazaro Rodriguez was traveling westbound on East 32nd Street, and

WHEREAS, Officer Rodriguez ran the red light at the intersection of Palm Avenue and East 32nd Street, crashing his police cruiser into the driver side of the vehicle driven by Lazaro Rodriguez, and

WHEREAS, the severe impact of the collision forced Lazaro Rodriguez's vehicle into a concrete utility pole at the northwest corner of the intersection and then into another vehicle, and

WHEREAS, the force of the crash was so great that it caused massive and fatal blunt trauma injuries to Lazaro Rodriguez, and he was pronounced dead at the scene, and

WHEREAS, at the conclusion of the traffic homicide investigation concerning the death of Lazaro Rodriguez, the City of Hialeah Police Department found that Officer Rodriguez had violated Florida traffic statutes by unlawfully running the red light at the intersection of Palm Avenue and East 32nd Street and operating his motor vehicle in a careless manner, and that these violations were the legal cause of the traffic collision and the death of Lazaro Rodriguez, and

WHEREAS, Lazaro Rodriguez left a widow, Beatriz Luquez, and children, Lazaro, Jr., and Katherine, all of whom were dependent upon him financially and emotionally and loved him dearly, and

WHEREAS, in 2001, Ms. Luquez, individually and as the personal representative of the Estate of Lazaro Rodriguez, filed a wrongful death lawsuit in the 11th Judicial Circuit Court in and for Miami-Dade County, styled *Beatriz Luquez, individually and as Personal Representative of the Estate of Lazaro Rodriguez v. City of Hialeah*, Case No. 01-3691 CA 08, and

WHEREAS, the parties to the lawsuit entered into a formal settlement agreement following mediation and a unanimous vote by the Hialeah City Council, and

WHEREAS, the terms of the settlement agreement required the claimants to dismiss their case with prejudice and provide a full release of liability to the city and its employees, which the claimants have done, in exchange for payments by the City of Hialeah totaling \$685,000, plus \$25,000 for costs, to be paid if the Legislature approves the unpaid amounts, and

WHEREAS, pursuant to the settlement agreement, the City of Hialeah has paid \$200,000 to the claimants, plus \$25,000 for costs, leaving an unpaid balance of \$485,000, and

WHEREAS, as part of the terms of the settlement agreement and general release, the City of Hialeah has agreed to support the passage of a claim bill and to pay the remaining balance of \$485,000 in installments, with the last payment to be made on July 1, 2016, 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. The City of Hialeah is authorized and directed to appropriate from funds of the city not otherwise appropriated and to draw warrants totaling the amount of \$485,000, payable to Beatriz Luquez, individually and as personal representative of the Estate of Lazaro Rodriguez, and to Lazaro Rodriguez, Jr., and Katherine Rodriguez, as compensation for injuries and damages sustained by the claimants as a result of the death of Lazaro Rodriguez. The amount of \$385,000 shall be paid on July 1, 2015, and \$100,000 shall be paid on July 1, 2016.

Section 3. The total amount paid for attorney fees, lobbying fees, costs, and other similar expenses relating to this claim may not exceed 25 percent of the total amount awarded under this act.

Section 4. The amounts awarded pursuant to the waiver of sovereign immunity under s. 768.28, Florida Statutes, and 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 Lazaro Rodriguez.

Section 5. This act shall take effect upon becoming a law.

Approved by the Governor June 11, 2015.

Filed in Office Secretary of State June 11, 2015.