

CHAPTER 2021-266

Committee Substitute for House Bill No. 6503

An act for the relief of the Estate of Emilio Jesus Vizcaino-Aday by Miami-Dade County; providing for an appropriation to compensate the Estate of Emilio Jesus Vizcaino-Aday for injuries and damages sustained by Emilio Jesus Vizcaino-Aday and his survivors as a result of the negligence of Miami-Dade County; providing a limitation on the payment of attorney fees; providing an effective date.

WHEREAS, on March 6, 2018, Emilio Jesus Vizcaino-Aday was lawfully traveling in his vehicle south on SW 147th Avenue toward the intersection at SW 260th Street in Miami-Dade County, wearing his seatbelt and traveling at or below the posted speed limit, and

WHEREAS, Mr. Vizcaino-Aday was struck by a Miami-Dade Police Department vehicle owned by Miami-Dade County, which was operated by one of its law enforcement officers, and

WHEREAS, the Estate of Emilio Jesus Vizcaino-Aday has alleged, through a lawsuit filed on July 18, 2019, that the negligence of Miami-Dade County, through its law enforcement officer, was the proximate cause of the death of Mr. Vizcaino-Aday, and

WHEREAS, Ailin Avalos, Mr. Vizcaino-Aday's widow, and Neiser Josa Vizcaino Rojas, Mr. Vizcaino-Aday's son, have suffered significant financial damages due to the loss of Mr. Vizcaino-Aday's net income accumulation in the past and future and have experienced extreme mental anguish and suffering as a result of the loss of their husband and father, and

WHEREAS, the Estate of Emilio Jesus Vizcaino-Aday and Miami-Dade County have reached a tentative compromise settlement pending county approval, the settlement being in the amount of \$650,000, and

WHEREAS, pursuant to the agreement between the parties, the settlement will be partially satisfied in the amount of \$300,000, and

WHEREAS, pursuant to the settlement, the claim shall be considered fully satisfied by payment of an additional \$350,000 by Miami-Dade County to the Estate of Emilio Jesus Vizcaino-Aday, as authorized by the Florida Legislature, 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 not otherwise encumbered and to draw a warrant in the sum of

\$350,000 payable to the Estate of Emilio Jesus Vizcaino-Aday as compensation for injuries and damages sustained.

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 this act which resulted in the death of Emilio Jesus Vizcaino-Aday, including injuries and damages to the Estate of Emilio Jesus Vizcaino-Aday and his survivors. The total amount paid for attorney fees may not exceed \$70,000 and the total amount paid for lobbying fees may not exceed \$17,500.

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

Approved by the Governor June 29, 2021.

Filed in Office Secretary of State June 29, 2021.