

CHAPTER 2022-228

Committee Substitute for Senate Bill No. 58

An act for the relief of Yeilyn Quiroz Otero by Miami-Dade County; providing for the appropriation of funds to Heather Hasandras, as guardian of the property of Yeilyn Quiroz Otero, to compensate Miss Quiroz Otero for injuries sustained as a result of the negligence of an employee of Miami-Dade County; requiring that the funds, less certain fees and costs, be placed in a special needs trust for the exclusive use and benefit of Miss Quiroz Otero; requiring that any remaining funds in the trust upon the death of Miss Quiroz Otero revert to the Agency for Health Care Administration; providing a limitation on compensation and the payment of attorney fees; providing legislative intent regarding the waiver of certain liens; providing an effective date.

WHEREAS, on October 6, 2016, Yeilyn Quiroz Otero, then 1 year of age, was a passenger in a vehicle traveling eastbound on West Flagler Street in Miami approaching its intersection with SW 57th Avenue, and

WHEREAS, at the same time, a marked Miami-Dade Police Department vehicle driven by an employee of Miami-Dade County was traveling at 75 miles per hour southbound on SW 57th Avenue toward the same intersection, and

WHEREAS, the posted speed limit for vehicles traveling at that location on SW 57th Avenue was 40 miles per hour, and

WHEREAS, as the traffic signals at that intersection were inoperative, drivers approaching from all directions were subject to s. 316.1235, Florida Statutes, which requires that drivers in that circumstance stop in the manner indicated in s. 316.123(2), Florida Statutes, for approaching a stop intersection, and

WHEREAS, the Miami-Dade County employee failed to come to a stop or otherwise yield prior to entering the intersection, and

WHEREAS, as a result of the negligence of the Miami-Dade County employee, the marked Miami-Dade Police Department vehicle struck the vehicle in which Miss Quiroz Otero was a passenger, and

WHEREAS, Miss Quiroz Otero sustained severe injuries in the crash and was transported to the Nicklaus Children's Hospital, where she was treated for multiple traumatic injuries, including injuries to her liver, spine, and lungs, and

WHEREAS, Miss Quiroz Otero, through no fault of her own, will spend the remainder of her life as a paraplegic, and she has suffered, and will continue to suffer, mental pain and anguish and the loss of enjoyment of a normal childhood and life, and

WHEREAS, Miss Quiroz Otero relies exclusively on available public assistance to meet her needs, and the total Medicaid liens associated with her care and treatment related to her injuries as of July 1, 2021, totaled \$2,591,525.07, and

WHEREAS, since the crash, Miss Quiroz Otero has required costly continuous care and treatment, and she will require such care and treatment for the remainder of her life, and

WHEREAS, in resolving a civil action brought in the Circuit Court for the 11th Judicial Circuit, in and for Miami-Dade County, by the guardian of the property, Heather Hasandras, et al. v. Board of County Commissioners of Miami-Dade, Case No. 2018-03667-CA-01, the parties to the action signed a settlement agreement under the terms of which a total amount of \$4 million is to be paid to Miss Quiroz Otero, of which Miami-Dade County has paid \$200,000 pursuant to s. 768.28, Florida Statutes, and the remaining \$3.8 million of that settlement is conditioned upon passage of this claim bill, and

WHEREAS, Miami-Dade County has agreed that it would not oppose a claim bill being rendered against the county in this matter and would support any such bill, 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 encumbered and draw a warrant in the sum of \$3.8 million payable to Heather Hasandras, as guardian of the property of Yeilyn Quiroz Otero, to be placed in a special needs trust created for the exclusive use and benefit of Yeilyn Quiroz Otero. The balance remaining after the payment of statutory attorney fees and costs must be used to purchase an appropriate structured financial plan, the proceeds of which must be deposited into a special needs trust created for the exclusive use and benefit of Miss Quiroz Otero. Upon the death of Miss Quiroz Otero, any funds remaining in the special needs trust after reimbursing Medicaid funds shall revert to the Agency for Health Care Administration.

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 injuries and damages to Yeilyn Quiroz Otero. The total amount paid for attorney fees relating to this claim may not exceed \$760,000, the total amount paid for lobbying fees may not exceed \$190,000, and the total amount paid for costs or other similar expenses may not exceed \$12,272.05.

Section 4. Excluding the federal portions of any liens, Medicaid or otherwise, which the claimant must satisfy pursuant to s. 409.910, Florida

Statutes, it is the intent of the Legislature that the lien interests relating to the care and treatment of Yeilyn Quiroz Otero are hereby waived and extinguished.

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

Approved by the Governor May 20, 2022.

Filed in Office Secretary of State May 20, 2022.