

1                                   A bill to be entitled  
 2           An act for the relief of Ronnie Lopez and Robert  
 3           Guzman, as co-personal representatives of the Estate  
 4           of Ana-Yency Velasquez, deceased, and for Ronnie  
 5           Lopez, Jr., Ashley Lorena Lopez-Velasquez, and Steven  
 6           Robert Guzman, minor children of Ana-Yency Velasquez,  
 7           by Miami-Dade County; providing for an appropriation  
 8           to compensate the estate and the minor children for  
 9           the death of Ana-Yency Velasquez as a result of the  
 10          negligence of an employee of Miami-Dade County;  
 11          providing a limitation on the payment of fees and  
 12          costs; providing an effective date.

13  
 14           WHEREAS, Ronnie Lopez, co-personal representative of the  
 15          Estate of Ana-Yency Velasquez, deceased, is the father of Ronnie  
 16          Lopez, Jr., age 5, and Ashley Lorena Lopez-Velasquez, age 4, and  
 17          Ana-Yency Velasquez, deceased, was the mother of Ronnie Lopez,  
 18          Jr., and Ashley Lorena Lopez-Velasquez, and

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

23           WHEREAS, on February 23, 2009, a Miami-Dade County Police  
 24          Officer, when driving his marked police unit through an  
 25          intersection, failed to obey a posted stop sign and also did not  
 26          engage his lights or sirens, and

27           WHEREAS, protocol for the Miami-Dade County Police  
 28          Department requires that lights and sirens be engaged whenever

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29 any police vehicle is in pursuit of another vehicle, and

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

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

37 WHEREAS, the Miami-Dade County police cruiser crashed into  
38 and broadsided the vehicle operated by Ana-Yency Velasquez, then  
39 23 years of age and the mother of three minor children, at the  
40 intersection of N.W. 112th St. and N.W. 12th Ave., and

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

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

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

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

55 WHEREAS, Miami-Dade County has paid \$150,000 to the co-  
56 personal representatives of the Estate of Ana-Yency Velasquez

57 | under the statutory limits of liability set forth in s. 768.28,  
 58 | Florida Statutes, and

59 |       WHEREAS, Miami-Dade County has agreed in the Mediation  
 60 | Settlement Agreement to actively support the passage of a claim  
 61 | bill in the amount of \$1,010,000, NOW, THEREFORE,

62 |

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

64 |

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

67 |       Section 2. Miami-Dade County is authorized and directed to  
 68 | appropriate from funds of the county not otherwise appropriated  
 69 | and to draw a warrant in the sum of \$1,010,000, payable to  
 70 | Ronnie Lopez and Robert Guzman, as co-personal representatives  
 71 | of the Estate of Ana-Yency Velasquez, deceased, for the benefit  
 72 | of Ronnie Lopez, Jr., Ashley Lorena Lopez-Velasquez, and Steven  
 73 | Robert Guzman, minor children of Ana-Yency Velasquez, as  
 74 | compensation for the death of Ana-Yency Velasquez as a result of  
 75 | the negligence of an employee of Miami-Dade County.

76 |       Section 3. The amount paid by Miami-Dade County pursuant  
 77 | to s. 768.28, Florida Statutes, and the amount awarded under  
 78 | this act are intended to provide the sole compensation for all  
 79 | present and future claims arising out of the factual situation  
 80 | described in the preamble to this act which resulted in the  
 81 | death of Ana-Yency Velasquez. The total amount paid for  
 82 | attorney's fees, lobbying fees, costs, and similar expenses  
 83 | relating to this claim may not exceed 15 percent of the first  
 84 | \$1,000,000 awarded under this act and 10 percent of the

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85 remainder awarded under this act, for a total of \$151,000.

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