

By Senator Wilson

33-00048A-11

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1 A bill to be entitled
2 An act for the relief of Rosa Figueroa by the
3 Homestead Housing Authority; providing for an
4 appropriation to compensate Rosa Figueroa, wife of
5 Joel Figueroa, for the death of Joel Figueroa as a
6 result of the negligence of the Homestead Housing
7 Authority; providing a limitation on the payment of
8 fees and costs; providing an effective date.

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10 WHEREAS, on August 12, 2006, two masked, armed men entered
11 the apartment of Joel and Rosa Figueroa in the Goulds Center
12 Complex in Homestead, which was operated by the Homestead
13 Housing Authority, and shot and killed Joel Figueroa, and

14 WHEREAS, Rosa Figueroa, her sister, two of the Figueroa's
15 three minor children, and a male friend of the family were also
16 in the home and witnessed the incident, and

17 WHEREAS, the authority never had a security audit
18 performed, even though such audits are standard in the industry,
19 and

20 WHEREAS, security measures were inadequate at the complex,
21 even though it was reasonably foreseeable that criminal activity
22 would occur on the property because the area surrounding the
23 complex is a high-crime area and numerous crimes against persons
24 and property had previously occurred in the immediate area and
25 within the complex, including vandalism, vehicle burglary and
26 theft, prostitution, drug dealing, and armed robbery, and

27 WHEREAS, the authority had provided 24-hour security at the
28 site for several months during construction of the complex in
29 2003 because of extensive vandalism and the theft of

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30 construction materials and appliances, but discontinued the
31 security after the complex was finished and residents moved in,
32 and

33 WHEREAS, the Redlands, a neighboring complex operated by
34 the authority and home of the executive director of the
35 authority, was fenced, employed security guards, and was
36 equipped with gates, security cameras, and other security
37 measures, and

38 WHEREAS, prior to the incident, the residents of the Goulds
39 Center Complex had requested fencing and better lighting on the
40 property but the authority did not install such fencing or
41 lighting until after the death of Joel Figueroa, and

42 WHEREAS, general law and the lease executed by the
43 authority and the Figuerosas required the authority to provide a
44 safe place to live, and

45 WHEREAS, Rosa Figueroa and the minor Figueroa children,
46 Jennifer, Emily, and Jackeline, have suffered significant and
47 permanent psychological trauma and have been diagnosed with
48 post-traumatic stress disorder as a result of the violent death
49 of Joel Figueroa, and

50 WHEREAS, the injuries resulting from the death of Joel
51 Figueroa are a result of the negligence of the Homestead Housing
52 Authority's failure to provide a safe and secure environment at
53 the Goulds Center Complex, and

54 WHEREAS, the authority had in effect at the time of the
55 death of Joel Figueroa a \$2 million liability insurance policy
56 with PGIT Insurance Company, but PGIT has refused to settle this
57 wrongful death claim within policy limits, NOW, THEREFORE,

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59 Be It Enacted by the Legislature of the State of Florida:

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61 Section 1. The facts stated in the preamble to this act are
62 declared by the claimant to be true.

63 Section 2. The Homestead Housing Authority is authorized
64 and directed to appropriate from funds of the authority not
65 otherwise appropriated and to draw a warrant in the sum of
66 \$2,200,000, payable to Rosa Figueroa, as Personal Representative
67 of the Estate of Joel Figueroa and as parent and natural
68 guardian of Jennifer, Emily, and Jackeline Figueroa, the three
69 minor children, as compensation for injuries and damages
70 sustained as a result of the death of Joel Figueroa.

71 Section 3. The amount paid by the Homestead Housing
72 Authority pursuant to s. 768.28, Florida Statutes, and this
73 award are intended to provide the sole compensation for all
74 present and future claims arising out of the factual situation
75 that resulted in the death of Joel Figueroa as described in this
76 act. The total amount paid for attorney's fees, lobbying fees,
77 costs, and other similar expenses relating to this claim may not
78 exceed 25 percent of the amount awarded under this act.

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