

By Senator Grimsley

21-00013-15

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1 A bill to be entitled
2 An act for the relief of the Estate of Lazaro
3 Rodriguez and his legal survivors by the City of
4 Hialeah; providing an appropriation to compensate the
5 Estate and Lazaro Rodriguez's legal survivors for
6 injuries sustained as a result of the negligence of
7 the City of Hialeah; providing a limitation on the
8 payment of fees and costs; providing that the
9 appropriation settles all present and future claims
10 related to the wrongful death of Lazaro Rodriguez;
11 providing an effective date.

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13 WHEREAS, on July 30, 2000, at approximately 10:14 p.m., 29-
14 year-old Lazaro Rodriguez was lawfully and properly operating
15 his 1997 Ford Explorer in the westbound lanes of East 32nd
16 Street in the City of Hialeah, and

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

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

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

29 WHEREAS, the severe impact of the collision forced Lazaro

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30 Rodriguez's vehicle into a concrete utility pole at the
31 northwest corner of the intersection and then into another
32 vehicle, and

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

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

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

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

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

56 WHEREAS, the terms of the settlement agreement required the
57 claimants to dismiss their case with prejudice and provide a
58 full release of liability to the city and its employees, which

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59 the claimants have done, in exchange for payments by the City of
60 Hialeah totaling \$685,000, plus \$25,000 for costs, to be paid
61 over 5 years if the Legislature approves the unpaid amounts, and

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

65 WHEREAS, as part of the terms of the settlement agreement
66 and general release, the City of Hialeah has agreed to support
67 the passage of a claim bill and to pay the remaining balance of
68 \$485,000 in installments, with the last payment to be made on
69 July 1, 2016, NOW, THEREFORE,

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

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73 Section 1. The facts stated in the preamble to this act are
74 found and declared to be true.

75 Section 2. The City of Hialeah is authorized and directed
76 to appropriate from funds of the city not otherwise appropriated
77 and to draw warrants totaling the amount of \$485,000, payable to
78 Beatriz Luquez, individually and as personal representative of
79 the Estate of Lazaro Rodriguez, and to Lazaro Rodriguez, Jr.,
80 and Katherine Rodriguez, as compensation for injuries and
81 damages sustained by the claimants as a result of the death of
82 Lazaro Rodriguez. The amount of \$385,000 shall be paid on July
83 1, 2015, and \$100,000 shall be paid on July 1, 2016.

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

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88 Section 4. The amounts awarded pursuant to the waiver of
89 sovereign immunity under s. 768.28, Florida Statutes, and under
90 this act are intended to provide the sole compensation for all
91 present and future claims arising out of the factual situation
92 described in the preamble to this act which resulted in the
93 death of Lazaro Rodriguez.

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