

STORAGE NAME: h0977.cla
DATE: March 10, 1999

**Florida House of Representatives
Committee on Claims
Summary Claim Bill Report**

Bill #: PCB CL 99-02 (HB 977)
Sponsor: Claims Committee
Reference:
Companion Bill: SB 22 by Senator Silver

A. Basic Information:

1. Claimants:

Children of Elionne Joseph

2. Respondent:

Miami-Dade County (f/k/a Metropolitan Dade County)

3. Amount Requested:

\$1,300,000

4. Type of Claim:

Settlement

5. Respondent's Position:

Agreed to settlement

6. Collateral Sources:

Each child receives \$213 per month in Social Security benefits.

7. Prior Legislative History:None.

B. Procedural Summary: The three surviving children of Elionne Joseph, through the personal representative of Ms. Joseph's estate, sued the county for loss of their mother's support, services and companionship and for pain and suffering, all resulting from a traffic accident in which Ms. Joseph was killed. Prior to the scheduled trial date, the parties submitted the matter to mediation and entered into a settlement agreement, which resulted in the entry of a consent judgment against the county in the amount of \$1.5 million on November 18, 1998. The county has already paid the first \$200,000 of the settlement. The settlement stipulates that the amount will be paid as a structured settlement, the terms of which will be determined in the children's best interests.

C. Facts of Case: County police were engaged in a high-speed pursuit of two vehicles on I-95, while Ms. Joseph was driving her vehicle on a surface street near an I-95 interchange. One of the vehicles that was being pursued exited I-95 and struck Ms. Joseph's vehicle at high speed. Ms. Joseph and three occupants of the other vehicle were killed. The police pursuit was in violation county policy and in apparent violation of the duty of care identified in City of Pinellas Park v. Brown, 604 So.2d 1222 (Fla. 1992). The children's father, who was divorced from Ms. Joseph, has limited resources to provide for the children; he currently earns \$9.70 an hour and pays \$775 per month in rent on a home he shares with the children.

SM: _____ SD: _____ Date: Feb. 10, 1999
Leonard Schulte Stephanie Olin Birtman

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