

By Senator Rodriguez

39-00178-22

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1 A bill to be entitled

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

17  
18 WHEREAS, on October 6, 2016, Yeilyn Quiroz Otero, then 1  
19 year of age, was a passenger in a vehicle traveling eastbound on  
20 West Flagler Street in Miami approaching its intersection with  
21 SW 57th Avenue, and

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

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

28 WHEREAS, as the traffic signals at that intersection were  
29 inoperative, drivers approaching from all directions were

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30 subject to s. 316.1235, Florida Statutes, which requires that  
31 drivers in that circumstance stop in the manner indicated in s.  
32 316.123(2), Florida Statutes, for approaching a stop  
33 intersection, and

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

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

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

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

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

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

56 WHEREAS, in resolving a civil action brought in the Circuit  
57 Court for the 11th Judicial Circuit, in and for Miami-Dade  
58 County, by the guardian of the property, Heather Hasandras, et

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59 al. v. Board of County Commissioners of Miami-Dade, Case No.  
60 2018-03667-CA-01, the parties to the action signed a settlement  
61 agreement under the terms of which a total amount of \$4 million  
62 is to be paid to Miss Quiroz Otero, of which Miami-Dade County  
63 has paid \$200,000 pursuant to s. 768.28, Florida Statutes, and  
64 the remaining \$3.8 million of that settlement is conditioned  
65 upon passage of this claim bill, and

66 WHEREAS, Miami-Dade County has agreed that it would not  
67 oppose a claim bill being rendered against the county in this  
68 matter and would support any such bill, NOW, THEREFORE,

69

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

71

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

74 Section 2. Miami-Dade County is authorized and directed to  
75 appropriate from funds of the county not otherwise encumbered  
76 and draw a warrant in the sum of \$3.8 million payable to Heather  
77 Hasandras, as guardian of the property of Yeilyn Quiroz Otero,  
78 to be placed in a special needs trust created for the exclusive  
79 use and benefit of Yeilyn Quiroz Otero. The balance remaining  
80 after the payment of statutory attorney fees and costs must be  
81 used to purchase an appropriate structured financial plan, the  
82 proceeds of which must be deposited into a special needs trust  
83 created for the exclusive use and benefit of Miss Quiroz Otero.  
84 Upon the death of Miss Quiroz Otero, any funds remaining in the  
85 special needs trust after reimbursing Medicaid funds shall  
86 revert to the Agency for Health Care Administration.

87 Section 3. The amount paid by Miami-Dade County pursuant to

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88 s. 768.28, Florida Statutes, and the amount awarded under this  
89 act are intended to provide the sole compensation for all  
90 present and future claims arising out of the factual situation  
91 described in this act which resulted in injuries and damages to  
92 Yeilyn Quiroz Otero. The total amount paid for attorney fees  
93 relating to this claim may not exceed 25 percent of the amount  
94 awarded under this act.

95 Section 4. Excluding the federal portions of any liens,  
96 Medicaid or otherwise, which the claimant must satisfy pursuant  
97 to s. 409.910, Florida Statutes, it is the intent of the  
98 Legislature that the lien interests relating to the care and  
99 treatment of Yeilyn Quiroz Otero are hereby waived and  
100 extinguished.

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