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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

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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
 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
 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
 73 | are 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

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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
88 to s. 768.28, Florida Statutes, and the amount awarded under
89 this 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.

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