

By Senator Rodriguez

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A bill to be entitled

An act for the relief of Odalys Fortes, Pablo Becerra, and Aliyah Isabel Mieryteran by Miami-Dade County; providing for an appropriation to compensate Ms. Fortes, Mr. Becerra, and Ms. Mieryteran for injuries sustained as a result of the negligence of Miami-Dade County; providing a limitation on compensation and the payment of attorney fees; providing an effective date.

WHEREAS, on November 30, 2018, Annie Becerra, age 22, sustained serious injuries when she was involved in a motor vehicle crash in which she was a front-seat passenger and, due to the impact, was thrown forward onto the floorboard of the vehicle, and

WHEREAS, the crash was negligently investigated by the Miami-Dade Sheriff's Office, known at the time as the Miami-Dade Police Department, as multiple officers were on the scene and failed to inspect the vehicle's front passenger area and to identify Ms. Becerra for over 70 minutes despite having been told by the driver that she was missing, the front passenger airbag being visibly deployed, and her clothing being visible through the front passenger window, and

WHEREAS, despite those indications of her presence, Ms. Becerra lay injured in a crumpled position in the vehicle, causing her to suffer a traumatic and fatal brain injury due to her body's positioning which left her unable to breathe properly, ultimately causing her death, and

WHEREAS, Ms. Becerra's mother, Odalys Fortes, Ms. Becerra's father, Pablo Becerra, and Ms. Becerra's then-1-year-old

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daughter, Aliyah Isabel Mieryteran, have alleged, through a lawsuit filed on September 27, 2019, that the negligence of Miami-Dade County in the investigation and securing of the accident scene, and in the rendering of aid to persons injured in the crash, was the proximate cause of the death of Ms. Becerra and of the injuries to her survivors, Ms. Fortes, Mr. Becerra, and Ms. Mieryteran, a minor child, and

WHEREAS, the lawsuit proceeded to trial, and, on April 25, 2024, a jury returned a verdict in favor of Ms. Fortes, Mr. Becerra, and Ms. Mieryteran, finding Miami-Dade County liable for the death of Ms. Becerra, and

WHEREAS, the jury awarded a total verdict of \$1.2 million, awarding Ms. Fortes \$150,000 for her injuries, Mr. Becerra \$150,000 for his injuries, and Ms. Mieryteran \$900,000 for her injuries, and

WHEREAS, Ms. Fortes has suffered significant mental pain and suffering due to the death of her daughter, Ms. Becerra, and

WHEREAS, Mr. Becerra has suffered significant mental pain and suffering due to the death of his daughter, Ms. Becerra, and

WHEREAS, Ms. Mieryteran, a minor child, has suffered lost parental companionship, lost instruction and guidance, and significant mental pain and suffering due to the death of her mother, Ms. Becerra, and

WHEREAS, following the verdict and entry of final judgment, Miami-Dade County has partially satisfied the judgment, paying \$200,000 to the family, and

WHEREAS, the remaining \$1 million is needed to fully compensate the victims and satisfy the judgment, and their claim shall be considered fully satisfied by Miami-Dade County paying

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this \$1 million plus statutory interest and taxable costs to Ms. Fortes, Mr. Becerra, and Ms. Mieryteran, as authorized by the Florida Legislature through this claim bill, NOW, THEREFORE,

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

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

Section 2. Miami-Dade County is authorized and directed to appropriate from funds not otherwise encumbered and to draw a warrant in the sum of \$1 million plus statutory interest and taxable costs payable to Odalys Fortes, Pablo Becerra, and Aliyah Isabel Mieryteran as compensation for injuries and damages sustained.

Section 3. The amount paid by Miami-Dade County pursuant to s. 768.28, Florida Statutes, and the amount awarded under this act are intended to provide the sole compensation for all present and future claims arising out of the factual situation described in this act which resulted in injuries and damages to Odalys Fortes, Pablo Becerra, and Aliyah Isabel Mieryteran. The total amount paid for attorney fees relating to this claim may not exceed 25 percent of the total amount awarded under this act.

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