

By Senator Rodriguez

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A bill to be entitled

An act for the relief of the Estate of Juan Carlos Martinez Silva by Miami-Dade County; providing for an appropriation to compensate the estate for Mr. Martinez Silva's death as a result of the negligence of a Miami-Dade County police officer; providing a limitation on compensation and the payment of attorney fees; providing an effective date.

WHEREAS, on February 27, 2021, Juan Carlos Martinez Silva, a 40-year-old husband and father, was riding his bicycle westbound on a two-lane road with a group of friends near Black Point Park and Marina in southwest Miami-Dade County, traveling at a speed between 21 and 24 miles per hour, and

WHEREAS, as Mr. Martinez Silva and his friends were cycling, Officer Christopher Bendana of the Miami-Dade Police Department received a call dispatching him to a larceny in progress, but Officer Bendana was not authorized to drive faster than the posted speed limit because the call was not a priority emergency call, and

WHEREAS, in responding to the call, Officer Bendana drove his police cruiser with his emergency lights activated but without activating his siren on the same two-lane road on which Mr. Martinez Silva and his friends were riding their bicycles, reaching speeds between 63 and 69 miles per hour and exceeding the posted speed limit of 40 miles per hour, and

WHEREAS, as Officer Bendana approached Mr. Martinez Silva and his friends, Mr. Martinez Silva fell from his bicycle to his left into the eastbound lane and then rolled into the grass

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30 shoulder, and

31 WHEREAS, Officer Bendana failed to react and stop his
32 police cruiser, veered his cruiser to the right onto the grass
33 shoulder where Mr. Martinez Silva laid, and fatally struck Mr.
34 Martinez Silva, and

35 WHEREAS, Officer Bendana did not engage the brakes of his
36 police cruiser until 50 feet after striking Mr. Martinez Silva,
37 and

38 WHEREAS, the Estate of Juan Carlos Martinez Silva has
39 alleged, through a lawsuit filed September 14, 2021, that the
40 negligence of Officer Bendana was the proximate cause of Mr.
41 Martinez Silva's death and that Mr. Martinez Silva's widow and
42 their daughter suffered damages, including mental pain and
43 anguish and the loss of Mr. Martinez Silva's support and
44 services, companionship and protection, and parental instruction
45 and guidance, and

46 WHEREAS, on February 12, 2024, after a 6-day trial, a jury
47 found Miami-Dade County liable for the death of Mr. Martinez
48 Silva and, on February 13, 2024, awarded his estate \$3 million
49 in damages, and

50 WHEREAS, on July 28, 2024, the circuit court entered a
51 final judgment pursuant to the jury's verdicts, and

52 WHEREAS, on September 10, 2025, the Third District Court of
53 Appeal affirmed the final judgment of the circuit court after
54 appeal by Miami-Dade County, and

55 WHEREAS, on February 3, 2026, the court entered a cost
56 judgment ordering Miami-Dade County to pay taxable costs in the
57 amount of \$61,766.96 to the Estate of Juan Carlos Martinez
58 Silva, and

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WHEREAS, Miami-Dade County has paid the statutory limit of \$300,000 to the Estate of Juan Carlos Martinez Silva under section 768.28, Florida Statutes, but does not support this claim bill, and

WHEREAS, this claim bill is for the remaining amount of the judgment on damages and taxable costs, which totals \$2,761,766.96, 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 of the county not otherwise encumbered and to draw a warrant in the sum of \$2,761,766.96 payable to the Estate of Juan Carlos Martinez Silva as compensation as a result of the death of Juan Carlos Martinez Silva.

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 the Estate of Juan Carlos Martinez Silva. 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.