

By Senator Baker

20-00171-08

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1 A bill to be entitled

2 An act relating to the City of Lake Worth; providing for
3 the relief of Lisa Freeman-Salazar and Andy Salazar,
4 individually and as co-personal representatives of the
5 estate of Alexandria Salazar, deceased, for the death of
6 Alexandria Salazar due to the negligence of the City of
7 Lake Worth; providing for an appropriation; providing for
8 attorney's fees and costs; providing a limitation on the
9 payment of fees and costs; providing an effective date.

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11 WHEREAS, on October 26, 2004, Lisa Freeman-Salazar picked up
12 her 5-year-old daughter, Alexandria, from an after-school program
13 at South Grade Elementary School in Lake Worth, Palm Beach
14 County, Florida, and proceeded to travel to their home, and

15 WHEREAS, Mrs. Salazar normally traveled home from
16 Alexandria's school on Sixth Avenue South, but on this particular
17 day a portion of Sixth Avenue South was closed due to
18 construction; thus, Mrs. Salazar took an unfamiliar, alternative
19 route home and traveled west on Seventh Avenue and approached the
20 intersection of South H Street which did not have any traffic
21 devices, stop signs, or painted stop bars on the road to indicate
22 which vehicle had the right-of-way, and

23 WHEREAS, because there was nothing to require Mrs. Salazar
24 to stop, she drove her vehicle through the intersection, and
25 Reyna Moreno, who was driving north on South H Street,
26 simultaneously entered the same intersection, and

27 WHEREAS, both vehicles collided with such force that each
28 vehicle was redirected by the impact of the collision, and

29 WHEREAS, Mrs. Salazar was able to get out of her vehicle and

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30 remove her unconscious daughter from the vehicle before the Lake
31 Worth Fire Rescue Department was summoned, and

32 WHEREAS, the Lake Worth Police Department responded to the
33 collision and Alexandria was transported to Delray Community
34 Hospital, where she was pronounced dead shortly thereafter, and

35 WHEREAS, the southwest corner of the intersection of Seventh
36 Avenue South and South H Street normally has a stop sign of
37 standard size, color, and height posted atop a metal pole;
38 however, at the time of the collision that claimed Alexandria's
39 life, the stop sign was missing, and

40 WHEREAS, the City of Lake Worth was aware that the stop sign
41 was missing from that intersection because two other cars
42 collided at that same intersection the day before Alexandria's
43 death, and the Lake Worth Police Department informed the city's
44 Public Works Department that the missing stop sign needed to be
45 replaced, and

46 WHEREAS, as a result of a lawsuit filed following the
47 incident, the City of Lake Worth agreed to a settlement in the
48 amount of \$500,000, of which \$157,792 was paid within 20 days
49 after the date of the settlement agreement and \$342,208 is sought
50 through the submission of a claim bill to the Legislature in the
51 amount of \$342,208, which the City of Lake Worth has agreed to
52 support and approve, NOW, THEREFORE,

53
54 Be It Enacted by the Legislature of the State of Florida:

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

58 Section 2. The City of Lake Worth is authorized and

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59 directed to appropriate from funds not otherwise appropriated and
60 draw a warrant in the amount of \$342,208, pursuant to the
61 settlement agreement, to be paid to Lisa Freeman-Salazar and Andy
62 Salazar, individually and as co-personal representatives of the
63 estate of Alexandria Salazar, deceased, which is inclusive of
64 costs and attorney's fees as limited in accordance with s.
65 768.28, Florida Statutes, as compensation for the death of
66 Alexandria Salazar due to the negligence of the City of Lake
67 Worth.

68 Section 3. This award is intended to provide the sole
69 compensation for all present and future claims arising out of the
70 factual situation described in this act which resulted in the
71 death of Alexandria Salazar. The total amount paid for attorney's
72 fees, lobbying fees, costs, and other similar expenses relating
73 to this claim may not exceed 25 percent of the amount awarded
74 under this act.

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