

ENROLLED
HB 629

2011 Legislature

1 A bill to be entitled
2 An act for the relief of the Estate of Cesar Solomon by
3 the Jacksonville Transportation Authority; providing for
4 an appropriation to compensate the Estate of Cesar Solomon
5 for Mr. Solomon's death, which was the result of
6 negligence by a bus driver of the Jacksonville
7 Transportation Authority; providing a limitation on the
8 payment of fees and costs; providing an effective date.
9

10 WHEREAS, on March 25, 2008, Cesar Solomon, in the course of
11 his employment by the City of Jacksonville, was standing in the
12 bucket of an aerial lift truck while changing a traffic signal
13 bulb at the intersection of Commonwealth and Melson Avenues, and

14 WHEREAS, at the same time Gwendolyn Wells Mordecai, while
15 in the course and scope of her employment, was driving a bus
16 owned and operated by the Jacksonville Transportation Authority
17 and crashed the bus into the aerial lift truck, knocking Cesar
18 Solomon out of the bucket to his death, and

19 WHEREAS, the Estate of Cesar Solomon filed a lawsuit
20 against the Jacksonville Transportation Authority, Gwendolyn
21 Wells Mordecai, and Jax Transit Management for negligence, and

22 WHEREAS, the Jacksonville Transportation Authority and Jax
23 Transit Management acknowledged that Gwendolyn Wells Mordecai
24 was responsible for the accident and that Cesar Solomon was not
25 comparatively negligent, and

26 WHEREAS, the Jacksonville Transportation Authority entered
27 into a stipulated judgment in favor of the Estate of Cesar
28 Solomon for \$1.25 million and acknowledged that a jury likely

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29 would have entered a multi-million-dollar verdict if the lawsuit
 30 had proceeded to trial, and

31 WHEREAS, the Jacksonville Transportation Authority has paid
 32 \$200,000 to the Estate of Cesar Solomon, the maximum amount
 33 authorized under s. 768.28, Florida Statutes, and

34 WHEREAS, the Jacksonville Transportation Authority has
 35 agreed to remain neutral and not take any action adverse to the
 36 pursuit of a claim bill by the Estate of Cesar Solomon to
 37 authorize and direct the Jacksonville Transportation Authority
 38 to pay the remaining \$1.05 million pursuant to the stipulated
 39 judgment, NOW, THEREFORE,

40

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

42

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

45 Section 2. The Jacksonville Transportation Authority is
 46 authorized and directed to appropriate from funds of the
 47 authority not otherwise appropriated and to draw warrants to pay
 48 \$1.05 million to the Estate of Cesar Solomon as compensation for
 49 the death of Cesar Solomon. Each warrant shall be in the amount
 50 of \$350,000 and shall be paid annually for 3 years.

51 Section 3. The amount paid by the Jacksonville
 52 Transportation Authority pursuant to s. 768.28, Florida
 53 Statutes, and this award are intended to provide compensation
 54 for all present and future claims arising out of the factual
 55 situation that resulted in the death of Cesar Solomon as
 56 described in this act. The total amount paid for attorney's

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57 | fees, lobbying fees, costs, and other similar expenses relating
58 | to this claim may not exceed 25 percent of the amount awarded
59 | under this act.

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