

Senate Bill No. 50

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

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

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

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

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

WHEREAS, Mrs. Salazar was able to get out of her vehicle and remove her unconscious daughter from the vehicle before the Lake Worth Fire Rescue Department was summoned, and

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

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

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

WHEREAS, as a result of a lawsuit filed following the incident, the City of Lake Worth agreed to a settlement in the amount of \$500,000, of which

\$157,792 was paid within 20 days after the date of the settlement agreement and \$342,208 is sought through the submission of a claim bill to the Legislature in the amount of \$342,208, which the City of Lake Worth has agreed to support and approve, 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. The City of Lake Worth is authorized and directed to appropriate from funds not otherwise appropriated and draw a warrant in the amount of \$342,208, pursuant to the settlement agreement, to be paid to Lisa Freeman-Salazar and Andy Salazar, individually and as co-personal representatives of the estate of Alexandria Salazar, deceased, which is inclusive of costs and attorney's fees as limited in accordance with s. 768.28, Florida Statutes, as compensation for the death of Alexandria Salazar due to the negligence of the City of Lake Worth.

Section 3. This award is 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 the death of Alexandria Salazar. The total amount paid for attorney's fees, lobbying fees, costs, and other similar expenses relating to this claim may not exceed 25 percent of the amount awarded under this act.

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

Approved by the Governor May 19, 2008.

Filed in Office Secretary of State May 19, 2008.