



Legislation Details (With Text)

**File #:** 200892.      **Version:** 1      **Name:**  
**Type:** Staff Recommendation      **Status:** Passed  
**File created:** 2/23/2021      **In control:** City Attorney  
**On agenda:** 3/4/2021      **Final action:** 3/4/2021

**Title:** Richard Velez, as Personal Representative of the Estate of Juan Ramon Velez Caraballo v. City of Gainesville; Case No. 2020-CA-3302; Eighth Judicial Circuit, in and for Alachua County, Florida. (NB)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
3/4/2021	1	City Commission	Approved as Recommended	

**Richard Velez, as Personal Representative of the Estate of Juan Ramon Velez Caraballo v. City of Gainesville; Case No. 2020-CA-3302; Eighth Judicial Circuit, in and for Alachua County, Florida. (NB)**

The City Commission 1) approve the terms of the negotiated settlement agreement; and 2) authorize the City Attorney to settle the claim of Richard Velez arising from an accident that occurred on or about March 17, 2020.

On March 17, 2020, 77 year-old Juan Ramon Velez Caraballo was crossing Southwest 34th Street on foot when struck by a Regional Transit System bus traveling south. The incident occurred around 6:30 p.m. near the intersection of Southwest 24th Ave., which is an unsignalized intersection. Mr. Velez Caraballo stepped from the curb near a Kwik Stop and crossed two lanes of traffic into the path of the bus which was traveling in the inside lane. There is no crosswalk at this location. The bus driver activated his horn and applied heavy braking but was unable to stop before impact. A passenger vehicle was traveling alongside the bus in the far right lane of Southwest 34th Street and was able to stop in time to avoid impact. Mr. Velez Caraballo was transported by ambulance to Shands Hospital where he later died as a result of his injuries.

The Estate of Mr. Velez Caraballo has brought suit for wrongful death, and a surviving son claims loss of consortium. The City Attorney's Office and Risk Management Department conducted a thorough evaluation and investigation of this lawsuit. Per the application of Florida's limited waiver of sovereign immunity contained in section 768.28, Florida Statutes, the City's liability and authority to settle claims such as this is limited to \$200,000 per person and \$300,000 per incident. A negotiated settlement was achieved, wherein representatives for the City agreed to recommend a settlement in the amount of \$165,000 subject to the approval of the City Commission of the City of Gainesville, and in exchange the Estate of Velez Caraballo and all surviving claimants will provide a full and complete Release to the City including waiving the pursuit of a claims bill to the Legislature. It is the recommendation of the City Attorney's Office and the Risk Management Department that the case be settled for that amount.

Funds are available in the City's General Insurance Fund.

