

By Senator Meek

36-53B-00

1                                   A bill to be entitled  
2           An act relating to the City of Hallandale;  
3           providing for the relief of Lawrence Gizzi for  
4           injuries and damages resulting from the  
5           negligence of the city; providing an effective  
6           date.

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8           WHEREAS, on April 16, 1996, at approximately 9:15 p.m.,  
9   Lawrence Gizzi took his dog for a walk in his neighborhood in  
10   the City of Hallandale and, as he crossed the street, the  
11   asphalt near a manhole cover caved in and gave way, pinning  
12   his left leg, up to the knee, under the asphalt street  
13   surface, and

14           WHEREAS, Mr. Gizzi spent almost an hour pinned under  
15   the asphalt, in the dark, with land crabs biting his left foot  
16   and ankle; he was almost run over by a van; and, when police  
17   arrived, they were unable to free him from the street surface,  
18   and

19           WHEREAS, the fire department was ultimately called, and  
20   they tore away the asphalt and freed Mr. Gizzi from the  
21   street, and

22           WHEREAS, the City of Hallandale had previously ignored  
23   a leaking manhole in the same area, where an old patch had  
24   been placed over such leaking manhole, but the leak had never  
25   been fixed and the ground underneath the old patch had  
26   continued to erode, which caused the cave-in of the street,  
27   and

28           WHEREAS, Mr. Gizzi was severely injured as a result of  
29   this incident and subsequently underwent two surgeries, two  
30   hospitalizations, and 2 years of physical therapy related to  
31   the injuries, and

1           WHEREAS, medical bills resulting from that treatment  
2 totaled \$74,971.17, and

3           WHEREAS, the City of Hallandale never offered more than  
4 \$2,500 to settle the case, and the case proceeded to trial,  
5 with a jury verdict being rendered on January 13, 1999, and a  
6 final judgment being entered on February 8, 1999, and

7           WHEREAS, the jury verdict in the case placed 100  
8 percent of the blame on the City of Hallandale and found no  
9 comparative negligence on the part of plaintiff Lawrence Gizzi  
10 and no negligence on the part of the codefendant, Florida  
11 Department of Transportation, and

12           WHEREAS, the jury awarded Mr. Gizzi \$74,971.17 for past  
13 medical expenses; \$120,000 for future medical expenses; and  
14 \$30,000 for pain and suffering, disability, disfigurement,  
15 mental anguish, and loss of capacity for the enjoyment of life  
16 in the past, and \$15,000 for those elements of damages in the  
17 future, for a total of \$239,971.17, and

18           WHEREAS, the City of Hallandale has tendered \$100,000,  
19 in accordance with the limits set under section 768.28,  
20 Florida Statutes, leaving a remainder to be paid of  
21 \$139,971.17, NOW, THEREFORE,

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

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

27           Section 2. The City of Hallandale is authorized and  
28 directed to compensate Lawrence Gizzi in the amount of  
29 \$139,971.17 for injuries and damages sustained, such  
30 compensation to be paid out of funds of the city not otherwise  
31 appropriated.

1           Section 3. This act shall take effect upon becoming a  
2 law.  
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