

By Representative Eggelletion

1                                   A bill to be entitled  
2           An act relating to Gulf County; providing for  
3           the relief of Elizabeth Linton, as personal  
4           representative of the estate of her father,  
5           Harold Armstrong; providing for an  
6           appropriation as compensation for the death of  
7           Harold Armstrong as a result of the negligence  
8           of Gulf County; providing an effective date.  
9

10           WHEREAS, on November 11, 1994, Harold Armstrong, a  
11           father of eight children, was part of a crew that was working  
12           at the Five Points Landfill in Gulf County to clean up debris  
13           and trash that had resulted from the storm named Alberto, and

14           WHEREAS, while Harold Armstrong was working on one side  
15           of a pile that was 6-8 feet high and 10-12 feet wide, an  
16           employee of Gulf County was operating a bulldozer on the other  
17           side of the pile, and, assuming that there was no one behind  
18           the pile of debris, the bulldozer operator plowed it down,  
19           causing the pile to fall on Harold Armstrong, drag him for  
20           nearly 40 feet, and bury him alive, and

21           WHEREAS, Harold Armstrong was extricated from the  
22           debris, where he was found upside down in a fetal position  
23           with one side of his chest caved in, and rushed by ambulance  
24           to Gulf Pines Hospital, where his condition was stabilized so  
25           that he could be transferred to Bay Medical Center in Panama  
26           City, and

27           WHEREAS, Harold Armstrong's condition deteriorated en  
28           route to Panama City, and, despite the best efforts of the  
29           doctors, he died, and

30           WHEREAS, in the subsequent legal action based on this  
31           matter, evidence established that Harold Armstrong's death had

1 been preventable and that he was killed because Gulf County  
2 had no safety procedures in place to prevent such an accident,  
3 and

4 WHEREAS, after hearing all the evidence at a jury trial  
5 in April 1999, a Gulf County jury found the county 100 percent  
6 at fault for the death of Harold Armstrong, found no  
7 comparative negligence on the part of Harold Armstrong, and  
8 awarded damages in the amount of \$2,007,184.92, and

9 WHEREAS, at all times, Gulf County has refused to  
10 mediate or negotiate a reasonable settlement, and

11 WHEREAS, after the county has paid \$200,000 pursuant to  
12 its obligation under section 768.28, Florida Statutes, the  
13 remaining amount of the excess judgment owed will be  
14 \$1,807,184.92, NOW, THEREFORE,

15

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

17

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

20 Section 2. The Board of County Commissioners of Gulf  
21 County is authorized and directed to appropriate from funds of  
22 the county not otherwise appropriated and to draw a warrant in  
23 the sum of \$1,807,184.92 payable to Elizabeth Linton, as  
24 personal representative of the estate of Harold Armstrong, as  
25 compensation for injuries and damages sustained due to the  
26 negligence of the county.

27 Section 3. This act shall take effect upon becoming a  
28 law.

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