

By Senator Meek

36-20-01

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 fire department personnel tore away the asphalt and freed Mr.
21 Gizzi from the 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 \$69,971.17 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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