

By Representative Prieguez

1                                   A bill to be entitled  
2           An act relating to the City of Hallandale;  
3           providing for the relief of Lawrence Gizzi;  
4           providing for an appropriation to compensate  
5           him for injuries and damages sustained as a  
6           result of the negligence of the City of  
7           Hallandale; providing an effective date.

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

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

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

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

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

3 WHEREAS, medical bills resulting from that treatment  
4 totaled \$74,971.17, and

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

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

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

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

24  
25 Be It Enacted by the Legislature of the State of Florida:

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

29 Section 2. The City of Hallandale is authorized and  
30 directed to appropriate from funds of the city not otherwise  
31 appropriated and to draw a warrant in the sum of \$69,971.17

1 payable to Lawrence Gizzi to compensate him for injuries and  
2 damages sustained.

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

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