

By Representative Ausley

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, deceased; providing an
6 appropriation in compensation for the death of
7 Harold Armstrong as a result of the negligence
8 of Gulf County; providing an effective date.
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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 of debris that was 6 to 8 feet high and 10 to 12
16 feet wide, an employee of Gulf County was operating a
17 bulldozer on the other side of the pile, and, assuming that
18 there was no one behind the pile of debris, the bulldozer
19 operator plowed it down, causing the pile to fall on Harold
20 Armstrong, drag him for nearly 40 feet, and bury him alive,
21 and

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

28 WHEREAS, Harold Armstrong's condition deteriorated en
29 route to Panama City, and, despite the best efforts of the
30 doctors, he died, and
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1 WHEREAS, in the subsequent legal action based on this
2 matter, evidence established that Harold Armstrong's death had
3 been preventable and that he was killed because Gulf County
4 had no safety procedures in place to prevent such an accident,
5 and

6 WHEREAS, after hearing all the evidence at a jury trial
7 in April 1999, a Gulf County jury found the county 100 percent
8 at fault for the death of Harold Armstrong, found no
9 comparative negligence on the part of Harold Armstrong, and
10 awarded damages in the amount of \$2,007,184.92 for the benefit
11 of Harold Armstrong's estate and his eight children, Jessie
12 Armstrong, Donna Nunery, Lenora Pitts, Hazel Nunery, Dorothy
13 Alderman, Elizabeth Linton, Kenny Armstrong, and Betty Hughes,
14 and

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

17 WHEREAS, after the county has paid \$200,000 pursuant to
18 its obligation under section 768.28, Florida Statutes, the
19 remaining excess-judgment amount owed will be \$1,807,184.92,
20 NOW, THEREFORE,

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

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

26 Section 2. The Board of County Commissioners of Gulf
27 County is authorized and directed to appropriate from funds of
28 the county not otherwise appropriated and to draw a warrant in
29 the sum of \$1,807,184.92 payable to Elizabeth Linton, as
30 personal representative of the estate of her father, Harold
31 Armstrong, deceased, for the benefit of Harold Armstrong's

1 eight children, Jessie Armstrong, Donna Nunery, Lenora Pitts,
2 Hazel Nunery, Dorothy Alderman, Elizabeth Linton, Kenny
3 Armstrong, and Betty Hughes, as compensation for injuries and
4 damages sustained due to the negligence of the county. Such
5 amount shall be paid in addition to the \$200,000 payable
6 pursuant to section 768.28, Florida Statutes. After payment of
7 fees, costs, and authorized expenses, the proceeds awarded
8 pursuant to this act shall be equally divided, eight ways,
9 among Jessie Armstrong, Donna Nunery, Lenora Pitts, Hazel
10 Nunery, Dorothy Alderman, Elizabeth Linton, Kenny Armstrong,
11 and Betty Hughes.

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

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