

By Senator Lawson

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A bill to be entitled

An act relating to Escambia County; providing for the relief of Clyde Kilpatrick; authorizing and directing Escambia County to compensate Clyde Kilpatrick for injuries sustained as a result of the negligence of Escambia County; providing an effective date.

WHEREAS, on September 12, 1991, when attending a concert at the Pensacola Civic Center, Clyde Kilpatrick fell while descending defective stairs that were located in the building, and

WHEREAS, as a result of the fall, Mr. Kilpatrick sustained serious leg and ankle fractures and permanent injuries that markedly affect his work as a millwright, and

WHEREAS, Escambia County, which owns the Pensacola Civic Center, had been aware that the stairs were defective and had paid several previous claims for injuries occurring on the same stairs, and

WHEREAS, Mr. Kilpatrick and his wife sued Escambia County in 1993, and a judge found the county to be 80 percent negligent and awarded damages to the plaintiffs, and

WHEREAS, on April 16, 1996, the court entered a final judgment against Escambia County for Mr. Kilpatrick in the sum of \$291,244.59, and

WHEREAS, on March 11, 1997, the judgment was affirmed by the First District Court of Appeal, and

WHEREAS, after the appellate court ruling, Escambia County paid Mr. Kilpatrick \$100,000 pursuant to the provisions of section 768.28, Florida Statutes, leaving an unpaid balance of \$191,244.59, and

1           WHEREAS, Mr. Kilpatrick attempted to recover the  
2 balance owed on the judgment by suing the concert promoter  
3 under an indemnity provision in the county's contract with the  
4 concert promoter, and

5           WHEREAS, the court dismissed Mr. Kilpatrick's lawsuit  
6 against the concert promoter, and the dismissal was affirmed  
7 by the appellate court on November 22, 1999, and

8           WHEREAS, Mr. Kilpatrick has exhausted all avenues of  
9 recovery in judicial forums, NOW, THEREFORE,

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

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

15           Section 2. Escambia County is authorized and directed  
16 to appropriate from funds of the county not otherwise  
17 appropriated and to draw a warrant payable to Clyde Kilpatrick  
18 in the amount of \$191,244.59, which amount includes statutory  
19 attorney's fees and costs, for injuries and damages sustained  
20 due to the negligence of Escambia County.

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