

By Senator Lawson

3-95A-02

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 an appropriation in
6 compensation for the death of Mr. Armstrong as
7 a result of the negligence of Gulf County;
8 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 tropical storm Alberto, and

14 WHEREAS, while Mr. Armstrong was working on one side of
15 a pile that was 6-to-8 feet high and 10-to-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, Mr. Armstrong was extricated from the debris,
22 where he was found upside down in a fetal position with one
23 side of his chest caved in, and rushed by ambulance to Gulf
24 Pines Hospital, where his condition was stabilized so that he
25 could be transferred to Bay Medical Center in Panama City, and

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

29 WHEREAS, in the subsequent legal action based on this
30 matter, evidence established that Harold Armstrong's death had
31 been preventable and that he was killed because Gulf County

1 had no safety procedures in place to prevent such an accident,
2 and

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

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

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

18

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

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

23 Section 2. Gulf County is authorized and directed to
24 appropriate from funds not otherwise appropriated, and to draw
25 a warrant payable to Elizabeth Linton, personal representative
26 of the estate of her deceased father, Harold Armstrong, for
27 the total amount of \$1,807,184.92, which amount includes
28 statutory attorney's fees and costs, for the benefit of his
29 eight children, Jessie Armstrong, Donna Nunery, Lenora Pitts,
30 Hazel Nunery, Dorothy Alderman, Elizabeth Linton, Kenny
31 Armstrong, and Betty Hughes, for injuries and damages

1 sustained due to the negligence of the county. After payment
2 of fees, costs, and authorized expenses, the proceeds awarded
3 under this act shall be equally divided, eight ways, among
4 Jessie Armstrong, Donna Nunery, Lenora Pitts, Hazel Nunery,
5 Dorothy Alderman, Elizabeth Linton, Kenny Armstrong, and Betty
6 Hughes.

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

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