

By Representative Siplin

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, which amount includes statutory  
30 attorney's fees and costs, payable to Elizabeth Linton, as  
31 personal representative of the estate of her father, Harold

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

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

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