

By Representative Richardson

1 A bill to be entitled
2 An act relating to Escambia County; providing
3 for the relief of Clyde Kilpatrick; authorizing
4 and directing Escambia County to compensate
5 Clyde Kilpatrick for injuries sustained as a
6 result of the negligence of Escambia County;
7 providing an effective date.

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

13 WHEREAS, as a result of the fall, Clyde Kilpatrick
14 sustained serious leg and ankle fractures and permanent
15 injuries that markedly affect his work as a millwright, and

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

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

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

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

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

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

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