

By Senator Lawson

6-13-03

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, Mr. 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, Mr. 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 Mr. Kilpatrick in the sum
25 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 Mr. Kilpatrick \$100,000 pursuant to the provisions
30 of section 768.28, Florida Statutes, leaving an unpaid balance
31 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.