

By Senator Hill

1-13-04

1 A bill to be entitled
2 An act relating to Escambia County; providing
3 for the relief of Patricia Stolfi; authorizing
4 and directing the Escambia County Utilities
5 Authority to compensate Ms. Stolfi for personal
6 injuries that she suffered due to the
7 negligence of an employee of the utilities
8 authority; providing for attorney's fees and
9 costs; providing an effective date.

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11 WHEREAS, at approximately 11:45 p.m. on October 9,
12 1997, Patricia Stolfi, driving a 1996 Geo, was returning to
13 her home from work, traveling west on Bellview Road, a
14 two-lane road, in Escambia County, and

15 WHEREAS, an employee of the Escambia County Utilities
16 Authority was collecting garbage on an unnamed, two-lane,
17 paved road that intersected Bellview Road, and

18 WHEREAS, the driver of the garbage truck, in order to
19 exit the unnamed road, backed out into Bellview Road, and

20 WHEREAS, as a result of backing out, the garbage truck
21 blocked both lanes of Bellview Road, and

22 WHEREAS, all safety lights on the garbage truck were
23 positioned on the truck at an angle, preventing Ms. Stolfi
24 from seeing the safety lights, and

25 WHEREAS, Ms. Stolfi did not see the garbage truck in
26 the darkness until she was approximately 64 feet from the
27 truck, and

28 WHEREAS, despite her efforts to stop, Ms. Stolfi was
29 unable to stop her vehicle and collided with the garbage truck
30 as it blocked Bellview Road, and

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1 WHEREAS, as a result of the accident, Ms. Stolfi
2 suffered severe injuries, including a mid-shaft femur
3 fracture, a right radius ulna fracture, and a near amputation
4 of her right hand, and

5 WHEREAS, Ms. Stolfi required a long course of medical
6 treatment and surgery, including insertion of a
7 intra-medullary rod into her right leg; skin grafts; various
8 surgical procedures to her right hand; and closed manipulation
9 of the right shoulder, elbow, and wrist, and

10 WHEREAS, those injuries necessitated extensive medical
11 treatment, rehabilitation, and restorative treatments, and Ms.
12 Stolfi expects further medical procedures in the future, and

13 WHEREAS, as a result of the injuries to her hand, Ms.
14 Stolfi can no longer perform her current occupation as a
15 seamstress nor that of a medical transcriptionist for which
16 she had almost completed her training, and

17 WHEREAS, after litigation relating to this accident was
18 commenced in Escambia County, a jury, on August 30, 2001,
19 rendered a verdict against the Escambia County Utilities
20 Authority and for Ms. Stolfi in the amount of \$2,747,000, and

21 WHEREAS, the jury, after considering comparative
22 negligence, apportioned 95 percent of the fault to the
23 Escambia County Utilities Authority and 5 percent to Ms.
24 Stolfi, resulting in a final judgment of \$2,480,889 entered
25 against the utility authority, and

26 WHEREAS, the Escambia County Utilities Authority
27 appealed the final judgment to the First District Court of
28 Appeals, which final judgment was affirmed, per curiam, by
29 that court on April 11, 2003, and

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1 WHEREAS, the Escambia County Utilities Authority has
2 tendered to Ms. Stolfi the sum of \$100,000, which is the
3 statutory limit on waivers of sovereign immunity, and

4 WHEREAS, at the time of the accident, the Escambia
5 County Utilities Authority was insured for general liability
6 by Coregis Insurance Company for \$1.1 million, but the company
7 has not offered Ms. Stolfi the policy limits, and

8 WHEREAS, Ms. Stolfi is, therefore, petitioning the
9 Legislature for further reimbursement in the amount of
10 \$2,380,889, NOW, THEREFORE,

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

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

16 Section 2. The Escambia County Utilities Authority is
17 authorized and directed to appropriate from funds of the
18 county not otherwise appropriated and to draw a warrant in the
19 amount of \$2,380,889, which amount includes statutory
20 attorney's fees and costs, payable to Patricia Stolfi as
21 compensation for injuries and damages sustained by Ms. Stolfi
22 as a result of the negligence of an employee of the utilities
23 authority.

24 Section 3. This act shall take effect upon becoming a
25 law.

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