

By the Committee on Comprehensive Planning; and Senator Hill

316-1528-04

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

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

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

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

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

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

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

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

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

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

22 WHEREAS, the Escambia County Utilities Authority
23 appealed the final judgment to the First District Court of
24 Appeals, which final judgment was affirmed, per curiam, by
25 that court on April 11, 2003, and

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

29 WHEREAS, at the time of the accident, the Escambia
30 County Utilities Authority was insured for general liability
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1 by Coregis Insurance Company for \$1 million, but the company
2 has not offered Ms. Stolfi the policy limits, and

3 WHEREAS, Escambia County Utilities Authority has paid
4 to Ms. Stolfi the statutory cap of \$100,000 pursuant to
5 section 768.28(5), Florida Statutes, and

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

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

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

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

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

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25 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
26 COMMITTEE SUBSTITUTE FOR
27 Senate Bill 24

28 This CS differs from the bill as filed in that it corrects a
29 number of facts in the title and body of the bill.