

By Senator Hill

1-16-04

1 A bill to be entitled
2 An act relating to Duval County; providing for
3 the relief of Betty Obenza; authorizing and
4 directing Duval County to compensate Betty
5 Obenza for injuries sustained as a result of
6 the negligence of an employee of the
7 Jacksonville Electric Authority; providing for
8 attorney's fees and costs; providing an
9 effective date.

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11 WHEREAS, on June 5, 2000, Betty Obenza was driving her
12 vehicle north on Belfort Road in Jacksonville, Duval County,
13 Florida, and

14 WHEREAS, an employee of the Jacksonville Electric
15 Authority was also driving north on Belfort Road, directly
16 behind Ms. Obenza, and

17 WHEREAS, Ms. Obenza and the employee of the
18 Jacksonville Electric Authority were both stopped at a red
19 traffic signal on Belfort Road, and

20 WHEREAS, the Jacksonville Electric Authority employee's
21 foot slipped off the brake pedal and the authority's vehicle
22 crashed into the rear of Ms. Obenza's vehicle, and

23 WHEREAS, the employee admitted that he was solely
24 responsible for the accident, and

25 WHEREAS, as a result of the collision, Ms. Obenza
26 suffered personal injury to the cervical region of her body,
27 including a central and paracentral herniated disc at C4-5 of
28 her cervical spine and a disc bulge at C5-6 of her cervical
29 spine, and

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1 WHEREAS, several months later, it was discovered that
2 Ms. Obenza had additional injuries to the back, in the lumbar
3 region of her spine, and

4 WHEREAS, as a result of the accident, litigation was
5 filed in the Circuit Court for the Fourth Judicial Circuit and
6 the matter was tried before a jury, and

7 WHEREAS, on May 21, 2003, the Circuit Court for the
8 Fourth Judicial Circuit issued a final judgment against the
9 Jacksonville Electric Authority for Ms. Obenza in the sum of
10 \$317,675.61, and

11 WHEREAS, Duval County has not paid Ms. Obenza \$100,000,
12 the statutory limit under section 768.28, Florida Statutes,
13 NOW, THEREFORE,

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

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

19 Section 2. Duval County is authorized and directed to
20 appropriate from funds of the county not otherwise
21 appropriated and to draw a warrant payable to Betty Obenza in
22 the amount of \$317,675.61, which amount includes statutory
23 attorney's fees and costs, for injuries and damages sustained
24 due to the negligence of the Jacksonville Electric Authority.

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

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