

HB 0669

2004

1 A bill to be entitled

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

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

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

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

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

21 WHEREAS, the employee admitted that he was solely
22 responsible for the accident, and

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

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

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30 WHEREAS, as a result of the accident, litigation was filed
 31 in the Circuit Court for the Fourth Judicial Circuit and the
 32 matter was tried before a jury, and

33 WHEREAS, on May 21, 2003, the Circuit Court for the Fourth
 34 Judicial Circuit issued a final judgment against the
 35 Jacksonville Electric Authority for Ms. Obenza in the sum of
 36 \$317,675.61, which was reduced to \$305,675.61 to reflect a
 37 setoff for collateral sources and which was entered pursuant to
 38 a consent final judgment, and

39 WHEREAS, Duval County has paid Ms. Obenza \$100,000 pursuant
 40 to the statutory limits of liability under section 768.28,
 41 Florida Statutes, NOW, THEREFORE,

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

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

47 Section 2. The Board of County Commissioners of Duval
 48 County is authorized and directed to appropriate from funds of
 49 the county not otherwise appropriated and to draw a warrant
 50 payable to Betty Obenza in the amount of \$156,555.76, which
 51 amount includes statutory attorney's fees and costs, for
 52 injuries and damages sustained due to the negligence of the
 53 Jacksonville Electric Authority.

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