

By Senator Hill

1-128-06

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A bill to be entitled

An act relating to Duval County; providing for the relief of Betty Obenza; authorizing and directing Duval County to compensate Betty Obenza for injuries sustained as a result of the negligence of an employee of the Jacksonville Electric Authority; providing for attorney's fees and costs; providing an effective date.

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

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

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

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

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

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

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, which was reduced to \$305,675.61 to reflect a
11 setoff for collateral sources and which was entered pursuant
12 to a consent final judgment, and

13 WHEREAS, Duval County has paid Ms. Obenza \$100,000, the
14 statutory limit under section 768.28, Florida Statutes, NOW,
15 THEREFORE,

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

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

21 Section 2. Duval County is authorized and directed to
22 appropriate from funds of the county not otherwise
23 appropriated and to draw a warrant payable to Betty Obenza in
24 the amount of \$156,555.76, which amount includes statutory
25 attorney's fees and costs, for injuries and damages sustained
26 due to the negligence of the Jacksonville Electric Authority.

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

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