

HB 1189

2007

1 A bill to be entitled
2 An act for the relief of Donna Sofka Marini (formerly
3 known as Donna Sofka) by Polk County; providing for an
4 appropriation to compensate her for injuries and damages
5 sustained due to the negligence of Polk County; providing
6 an effective date.

7
8 WHEREAS, on December 28, 1988, Donna Sofka Marini (then
9 known as Donna Sofka) was involved in a vehicular accident that
10 left her a quadriplegic, and

11 WHEREAS, on that date, Donna Sofka Marini was driving her
12 car westward on East Lamp Post Lane north of Lakeland, where
13 East Post Lane meets Old Polk City Road at the crest of a small
14 hill, and

15 WHEREAS, East Lamp Post Lane had recently been extended
16 past Old Polk City Road into a relatively new road named West
17 Lamp Post Lane, but there was no stop sign or other marking
18 denoting the intersection, and

19 WHEREAS, despite Polk County's knowledge that recent
20 construction in the area had created a four-way intersection and
21 essentially a "through" street, traffic-control devices had not
22 been installed at the time of the accident, and

23 WHEREAS, suit was filed against various defendants,
24 including Polk County, and, at trial, unrebutted testimony
25 established that the creation of the four-way intersection
26 created a dangerous condition, and

27 WHEREAS, Polk County's own traffic-sign foreman concurred
28 that the intersection was dangerous, and the manual used by the

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29 | county clearly indicated that traffic control devices were
30 | needed at the intersection, and

31 | WHEREAS, the jury agreed and awarded Donna Sofka Marini
32 | \$6.5 million in damages, in accordance with the degree of
33 | responsibility for the accident attributed to the county, which
34 | was 77 percent, and

35 | WHEREAS, after years of appeals and a new trial, a
36 | Stipulated Final Judgment in the amount of \$600,000 against the
37 | county was entered into by the parties, NOW, THEREFORE,

38 |

39 | Be It Enacted by the Legislature of the State of Florida:

40 |

41 | Section 1. The facts stated in the preamble to this act
42 | are found and declared to be true.

43 | Section 2. The Board of County Commissioners of Polk
44 | County is authorized and directed to appropriate from funds of
45 | the county not otherwise appropriated and to draw a warrant
46 | payable to Donna Sofka Marini for the total amount of \$600,000
47 | as compensation for injuries and damages sustained as a result
48 | of the negligence of Polk County.

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