

HB 1035

2009

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 a limitation on the payment of fees and costs; providing
7 an effective date.

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

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

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

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

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

28 WHEREAS, Polk County's own traffic-sign foreman concurred

29 | that the intersection was dangerous, and the manual used by the
 30 | county clearly indicated that traffic control devices were
 31 | needed at the intersection, and

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

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

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

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

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

50 | Section 3. Any amount awarded under this act pursuant to
 51 | the waiver of sovereign immunity permitted under s. 768.28,
 52 | Florida Statutes, and this award is intended to provide the sole
 53 | compensation for all present and future claims arising out of
 54 | the factual situation described in the preamble to this act
 55 | which resulted in the injury to Donna Sofka Marini. The total
 56 | amount paid for attorney's fees, lobbying fees, costs, and other

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57 similar expenses relating to this claim may not exceed 25
58 percent of the amount awarded under section 2.

59 Section 4. This act shall take effect upon becoming a law.