

By Senator Siplin

19-00114-09

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1 A bill to be entitled
2 An act for the relief of Donna Sofka by Polk County;
3 providing for an appropriation to compensate the
4 claimant for injuries suffered as a result of the
5 negligence of Polk County; providing a limitation on
6 the payment of fees and costs; providing an effective
7 date.

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9 WHEREAS, on December 28, 1988, Donna Sofka was involved in
10 a vehicular accident that left her a quadriplegic, and

11 WHEREAS, on that date, Ms. Sofka was driving her car
12 westward on East Lamp Post Lane north of Lakeland, where East
13 Lamp 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, a 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
29 county clearly indicated that traffic control devices were

19-00114-09

200954__

30 needed at the intersection, and

31 WHEREAS, the jury agreed and awarded Donna Sofka \$6.5
32 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,

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

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

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

49 Section 3. The amount awarded under this act is intended to
50 provide the sole compensation for all present and future claims
51 arising out of the factual situation described in this act which
52 resulted in injuries to Donna Sofka. The total amount paid for
53 attorney's fees, lobbying fees, costs, and other similar
54 expenses relating to this claim may not exceed 25 percent of the
55 amount awarded under this act.

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