

**STORAGE NAME:** h0701.hcl

**DATE:** March 10, 1999

**Florida House of Representatives  
Committee on Civil Justice & Claims  
Summary of Claim Bill Report**

Bill #: CL99-07 (HB 701)  
Sponsor: Claim Committee  
References:  
Companion Bill: SB 48, by Senator Sullivan

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**A. Basic Information:**

**1. Claimant:**

Paul W. Gilfoyle

**2. Respondent:**

City of Clearwater

**3. Amount Requested:**

\$225,000

**4. Type of Claim:**

Equitable - Stipulated Settlement

**5. Respondent's Position:**

Agreed not to oppose

**6. Collateral Sources:**

None

**7. Prior Legislative History:**

None

**B. Procedural Summary:** A complaint for negligence was filed by claimant's guardian against the City of Clearwater. Prior to trial, the parties filed a Stipulation and Joint Motion for Approval of Settlement which was approved by the court and the complaint was dismissed. The City paid \$100,000.

**C. Facts of Case:** This claim arises from an automobile crash involving the claimant's vehicle and a City of Clearwater police vehicle. The collision occurred as a result of the improper actions of the police officer but claimant's injuries were compounded due to the fact that he was not wearing his seatbelt at the time of the crash. The claimant, a resident of Clearwater, sustained multiple injuries, including a closed-head injury, as a result of the crash. Due to the severity of his injuries, the claimant was determined to be totally incapacitated and on September 29, 1993, the Circuit Court for Pinellas County appointed the claimant's daughter as his guardian.

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The claimant remains incapacitated and the prognosis is for little improvement. He is bedfast for the most part and sleeps off and on throughout the day. His ability to communicate is very limited. He cannot express his wants or needs and is frustrated. He requires 24 hour care and currently resides at Hill Haven Nursing Home in Tampa, Florida

The funds from this claim bill are to be deposited into a Special Need Trust Fund for the claimant created by claimant's guardian.

SM:John Topa

SD:John Ingle