

By Senator Thomas

3-50-98

1                                   A bill to be entitled  
2           An act relating to the City of Tallahassee and  
3           the Leon County School Board; providing for the  
4           relief of Dena Sheryl Steels; providing for an  
5           appropriation by the City of Tallahassee and  
6           the Leon County School Board to compensate her  
7           for the wrongful death of Kenneth Michael  
8           Pyles, her son, resulting from the negligence  
9           of the City of Tallahassee and the Leon County  
10          School Board; providing an effective date.

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12           WHEREAS, on June 12, 1992, while playing at the Belle  
13          Vue Middle School, Kenneth Michael Pyles was attracted to and  
14          entered an area of standing water near a stormwater drainage  
15          culvert on the school's property which was not covered by a  
16          steel grate or otherwise protected, and

17           WHEREAS, Kenneth Michael Pyles was sucked by the force  
18          of water into this stormwater drainage culvert and drowned,  
19          and

20           WHEREAS, the City of Tallahassee and the Leon County  
21          School Board were negligent in their operation of the  
22          stormwater drainage culvert by removing the steel grate that  
23          previously covered the culvert, and the City of Tallahassee  
24          and the Leon County School Board were further negligent for  
25          failing to warn the decedent of the dangerous condition  
26          created by the uncovered stormwater drainage culvert, and

27           WHEREAS, Dena Sheryl Steels, as Personal Representative  
28          of the Estate of Kenneth Michael Pyles, on behalf of the  
29          Estate and the survivors, filed a complaint in Leon County,  
30          Case Number 93-584, seeking damages against the City of  
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1 Tallahassee and the Leon County School Board for the wrongful  
2 death of Kenneth Michael Pyles, and

3 WHEREAS, after court-ordered mediation, the parties  
4 agreed to a settlement of the claim in which the City of  
5 Tallahassee and the Leon County School Board agreed to enter  
6 into a confession of judgment in the amount of \$400,000, and

7 WHEREAS, pursuant to the settlement agreement, the City  
8 of Tallahassee and the Leon County School Board have each paid  
9 the sum of \$100,000, for a total of \$200,000, in partial  
10 satisfaction of the judgment, and

11 WHEREAS, in accordance with the settlement agreement,  
12 \$50,000 of those funds has been paid to Norman Kenneth Pyles,  
13 the deceased's father, in full satisfaction of his claim, and  
14 \$150,000 of those funds has been paid to Dena Sheryl Steels,  
15 the decedent's mother, in partial satisfaction of her claim,  
16 and

17 WHEREAS, Dena Sheryl Steels is the only known survivor  
18 and beneficiary of any additional recovery for the wrongful  
19 death of her son, Kenneth Michael Pyles, and

20 WHEREAS, Dena Sheryl Steels has suffered mental pain  
21 and anguish and the loss of Kenneth Michael Pyles' earnings or  
22 potential earnings as a result of the wrongful death of her  
23 son caused by the negligence of the City of Tallahassee and  
24 the Leon County School Board, and

25 WHEREAS, these losses are permanent and continuing and  
26 Dena Sheryl Steels will continue to suffer the loss of love  
27 and enjoyment of her son, Kenneth Michael Pyles, NOW,

28 THEREFORE,

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

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

3           Section 2. The City of Tallahassee is authorized and  
4 directed to appropriate from funds of the city not otherwise  
5 appropriated and to draw a warrant in the sum of \$100,000  
6 payable to Dena Sheryl Steels to compensate her for losses  
7 sustained from an accident that caused the death of Kenneth  
8 Michael Pyles, her son, as a result of the negligence of the  
9 City of Tallahassee.

10           Section 3. The Leon County School Board is authorized  
11 and directed to appropriate from funds of the school board not  
12 otherwise appropriated and to draw a warrant in the sum of  
13 \$100,000 payable to Dena Sheryl Steels to compensate her for  
14 losses sustained from an accident that caused the death of  
15 Kenneth Michael Pyles, her son, as a result of the negligence  
16 of the Leon County School Board.

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

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