

By Senator Sullivan

22-48A-99

1 A bill to be entitled
2 An act relating to the City of Clearwater;
3 providing for the relief of Paul W. Gilfoyle,
4 through his guardian Anne-Marie Cherokee
5 Lindsey, for damages sustained in a collision
6 with a police car driven by a city patrolman;
7 providing an effective date.

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9 WHEREAS, on September 5, 1993, Paul W. Gilfoyle
10 sustained multiple injuries, including a closed head injury,
11 as a result of a motor vehicle accident between a vehicle that
12 he was operating and a police vehicle owned by the City of
13 Clearwater, Florida, and driven by patrolman Alan Whitacre,
14 which accident occurred at the intersection of U.S. 19 and
15 Drew Street in Clearwater, Pinellas County, Florida, and

16 WHEREAS, as a result of the accident, Paul W. Gilfoyle
17 was rendered totally incapacitated, and a court has appointed
18 Anne-Marie Cherokee Lindsey as plenary guardian of Mr.
19 Gilfoyle's person and property, and

20 WHEREAS, the parties entered into a settlement
21 agreement in the amount of \$325,000, of which the City of
22 Clearwater is to pay the statutory limit of \$100,000 by means
23 of a check made payable to Anne-Marie Cherokee Lindsey as
24 guardian of Paul W. Gilfoyle; Daniel Newman, attorney; and
25 Florida Health Sciences Center, and

26 WHEREAS, the city has also agreed to support a claim
27 bill for the remaining \$225,000, NOW, THEREFORE,

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29 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 Clearwater is authorized and
4 directed to compensate Anne-Marie Cherokee Lindsey, as guardian
5 of Paul W. Gilfoyle, in the amount of \$225,000 for injuries
6 and damages sustained in a collision between an automobile
7 driven by Mr. Gilfoyle and a police car driven by a City of
8 Clearwater patrolman, such compensation to be paid out of
9 funds of the city not otherwise allocated and to be used to
10 pay legal fees incurred on Mr. Gilfoyle's behalf as a result
11 of such accident and to fund a special needs trust for the
12 future care of Mr. Gilfoyle.

13 Section 3. This act shall take effect upon becoming a
14 law.

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