

By Senator Mitchell

4-99-00

1 A bill to be entitled
2 An act relating to the City of Tallahassee;
3 providing for the relief of Jason Crosby and
4 Donna Crosby, his mother, for injuries
5 sustained as a result of an automobile accident
6 involving Jason Crosby, a minor, and police
7 officers employed by the City of Tallahassee;
8 providing for an appropriation by the city;
9 providing an effective date.

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11 WHEREAS, on January 16, 1996, 20-year-old Jason Crosby
12 was lawfully driving his vehicle in the southbound lane on
13 Capital Circle in the City of Tallahassee and was crossing
14 Mahan Drive when a vehicle driven by David Sykes ran a red
15 light, hitting Jason Crosby's vehicle and causing permanent
16 injuries to Jason, and

17 WHEREAS, it is alleged that David Sykes's vehicle was
18 at the time of the accident being negligently pursued by
19 employees of the Tallahassee Police Department, and

20 WHEREAS, in 1997, the Crosbys brought a legal action
21 against the City of Tallahassee, and

22 WHEREAS, the court denied motions for summary judgment
23 which were filed by the City of Tallahassee and the Crosbys
24 and set the matter for a 2-week trial period beginning April
25 5, 1999, and

26 WHEREAS, just prior to trial, the City of Tallahassee,
27 Jason Crosby, and Jason's mother, Donna Crosby, reached an
28 agreement whereby the city agreed to pay to Donna Crosby
29 \$100,000, pursuant to the statutory limits on waiver of
30 sovereign immunity, for costs and attorney's fees and to
31 provide a structured annuity for Jason Crosby with monthly

1 lifetime and income supplement and 3-percent cost-of-living
2 adjustments guaranteed for 25 years at a cost to the city not
3 to exceed \$300,000 present value, and

4 WHEREAS, the City of Tallahassee has paid into a
5 separate interest-bearing fund \$200,000 for the purpose of
6 applying those funds to the total settlement amount contingent
7 upon the passage of this act, and

8 WHEREAS, the City of Tallahassee, Jason Crosby, and
9 Donna Crosby have consented to the filing of this act and have
10 agreed that, if this act becomes law, the City of Tallahassee,
11 within 30 days after the effective date of the act, will fund
12 the annuity, NOW, THEREFORE,

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

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

18 Section 2. The City of Tallahassee is authorized and
19 directed to appropriate from funds of the city not otherwise
20 appropriated and to draw a warrant in the sum of \$200,000 to
21 be applied toward the funding of an annuity for the benefit of
22 Jason Crosby. This amount will be in addition to the funds
23 already set aside and agreed to by the City of Tallahassee,
24 Jason Crosby, and Donna Crosby.

25 Section 3. This act shall take effect upon becoming a
26 law.

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