

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Pickens offered the following:

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3 **Amendment to Amendment (362603) (with title amendment)**

4 Between lines 208 and 209 insert:

5 Section 8. The facts stated in the preamble to this act
6 are found and declared to be true.

7 Section 9. The City of Tallahassee is authorized and
8 directed to appropriate from funds of the city not otherwise
9 appropriated and to draw a warrant in the sum of \$775,000
10 payable to Sheryl D. Allen and George F. Allen as compensation
11 for injuries and damages sustained due to the negligence of an
12 employee of the city.

13
14 ===== T I T L E A M E N D M E N T =====

15 Remove line 234 and insert:

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16 lobbyist's fees; providing for the relief of Sheryl D. Allen and
17 George F. Allen by the City of Tallahassee; providing for an
18 appropriation to compensate Sheryl D. Allen and George F. Allen
19 for injuries and damages sustained as a result of an accident
20 involving Sheryl D. Allen and an employee of the City of
21 Tallahassee; providing an effective date.

22
23 WHEREAS, the Legislature finds that wrongfully incarcerated
24 persons have been deprived of their liberty, and

25 WHEREAS, the Legislature finds that innocent persons who
26 have been wrongfully incarcerated should have the opportunity to
27 lead normal lives, and

28 WHEREAS, wrongfully incarcerated persons or their families
29 may have expended large sums of money and encumbered real
30 property to defend against wrongful incarceration, and

31 WHEREAS, the Legislature finds that the incarceration of an
32 innocent person is a taking of a person's liberty for which
33 compensation is due, and

34 WHEREAS, the Legislature has a responsibility to manage
35 state resources for the benefit of all residents of the state,
36 and

37 WHEREAS, on December 8, 2001, Sheryl D. Allen was in
38 Tallahassee chaperoning her daughter's Keystone Heights High
39 School Band as they participated in the city's 2001 Winter
40 Festival parade, and

41 WHEREAS, Sheryl D. Allen was hit by a large trailer/float
42 owned by the City of Tallahassee and driven by a City of

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43 Tallahassee employee when the trailer swung wide, leaving the
44 parade disembarkment area, and

45 WHEREAS, the contact with the trailer knocked Sheryl D.
46 Allen to the ground, resulting in a skull fracture and
47 significant closed-head injury, and

48 WHEREAS, the accident of December 8, 2001, formed the basis
49 of a negligence action filed against the City of Tallahassee in
50 2002, and

51 WHEREAS, the city, after extensive discovery during the
52 litigation, admitted liability, and

53 WHEREAS, on April 7, 2004, the City of Tallahassee and
54 Sheryl D. Allen and George F. Allen, husband of Sheryl D. Allen,
55 mediated the case prior to trial and reached an agreement
56 whereby the city agreed to pay Sheryl D. Allen and George F.
57 Allen \$200,000, pursuant to the limits of liability set forth in
58 s. 768.28, Florida Statutes, and to support the passage of a
59 claims bill in the Legislature for an additional payment of
60 \$775,000, and

61 WHEREAS, the Tallahassee City Commission and the Circuit
62 Court in and for the Second Judicial Circuit approved the
63 settlement agreement reached at mediation, and the city has paid
64 \$200,000 to Sheryl D. Allen, George F. Allen, and their
65 attorneys, and

66 WHEREAS, the City of Tallahassee has agreed to support the
67 filing and passage of this bill and has agreed that, if this act
68 becomes law, the City of Tallahassee, within 30 days after the

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69 | effective date of this act, will pay an additional \$775,000 to
70 | Sheryl D. Allen and George F. Allen, NOW, THEREFORE,

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