

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Pickens, Ausley, and Richardson offered the
2 following:

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4 **Amendment (with title amendment)**

5 On page 8, between lines 17 and 18,

6
7 insert:

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

11 Section 7. The City of Tallahassee is authorized and
12 directed to appropriate from funds of the city not otherwise
13 appropriated and to draw a warrant in the sum of \$775,000
14 payable to Sheryl D. Allen and George F. Allen as compensation

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15 for injuries and damages sustained due to the negligence of an
16 employee of the city.

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18

19 ===== T I T L E A M E N D M E N T =====

20 On page 1, line 26, through page 2, line 12,

21
22

remove: all of said lines

23
24

and insert:

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26

providing rulemaking authority; providing for the relief
of Sheryl D. Allen and George F. Allen by the City of
Tallahassee; providing for an appropriation to compensate
Sheryl D. Allen and George F. Allen for injuries and
damages sustained as a result of an accident involving
Sheryl D. Allen and an employee of the City of
Tallahassee; providing an effective date.

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

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

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

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HOUSE AMENDMENT

Bill No. CS/CS/SB 1964

Amendment No. (for drafter's use only)

42 WHEREAS, the Legislature finds that the incarceration of an
43 innocent person is a taking of a person's liberty for which
44 compensation is due, and

45 WHEREAS, the Legislature has a responsibility to manage
46 state resources for the benefit of all residents of the state,
47 and

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

52 WHEREAS, Sheryl D. Allen was hit by a large trailer/float
53 owned by the City of Tallahassee and driven by a City of
54 Tallahassee employee when the trailer swung wide, leaving the
55 parade disembarkment area, and

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

59 WHEREAS, the accident of December 8, 2001, formed the basis
60 of a negligence action filed against the City of Tallahassee in
61 2002, and

62 WHEREAS, the city, after extensive discovery during the
63 litigation, admitted liability, and

64 WHEREAS, on April 7, 2004, the City of Tallahassee and
65 Sheryl D. Allen and George F. Allen, husband of Sheryl D. Allen,
66 mediated the case prior to trial and reached an agreement
67 whereby the city agreed to pay Sheryl D. Allen and George F.
68 Allen \$200,000, pursuant to the limits of liability set forth in

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HOUSE AMENDMENT

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69 s. 768.28, Florida Statutes, and to support the passage of a
70 claims bill in the Legislature for an additional payment of
71 \$775,000, and

72 WHEREAS, the Tallahassee City Commission and the Circuit
73 Court in and for the Second Judicial Circuit approved the
74 settlement agreement reached at mediation, and the city has paid
75 \$200,000 to Sheryl D. Allen, George F. Allen, and their
76 attorneys, and

77 WHEREAS, the City of Tallahassee has agreed to support the
78 filing and passage of this bill and has agreed that, if this act
79 becomes law, the City of Tallahassee, within 30 days after the
80 effective date of this act, will pay an additional \$775,000 to
81 Sheryl D. Allen and George F. Allen, NOW, THEREFORE,

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