

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative(s) Pickens offered the following:

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3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

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

9 Section 2. The City of Tallahassee is authorized and
10 directed to appropriate from funds of the city not otherwise
11 appropriated and to draw a warrant in the sum of \$775,000
12 payable to Sheryl D. Allen and George F. Allen as compensation
13 for injuries and damages sustained due to the negligence of an
14 employee of the city.

15 Section 3. Payment for attorney's fees and costs incurred
16 by the claimant's attorneys shall not exceed \$117,946. Payment

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17 for the professional services and costs of lobbyists advocating
18 for passage of this claim shall not exceed \$7,750.

19 Section 4. This act shall take effect upon becoming a law.
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22 ===== T I T L E A M E N D M E N T =====

23 On page 1, line 1, through page 2, line 14, remove all of
24 said lines, and insert:
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26

27 A bill to be entitled
28 An act for the relief of Sheryl D. Allen and George F.
29 Allen by the City of Tallahassee; providing for an
30 appropriation to compensate Sheryl D. Allen and George F.
31 Allen for injuries sustained as a result of an accident
32 involving Sheryl D. Allen and an employee of the City of
33 Tallahassee; providing for attorney's fees, lobbyist's
34 fees, and costs; providing an effective date.
35

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

40 WHEREAS, Sheryl D. Allen was hit by a large trailer/float
41 owned by the City of Tallahassee and driven by a City of
42 Tallahassee employee when the trailer swung wide, leaving the
43 parade disembarkment area, and

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

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

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

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

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

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

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