

By the Committee on Community Affairs; and Senator Oelrich

578-2433-07

1                                   A bill to be entitled  
2           An act relating to the City of Tallahassee;  
3           providing for the relief of Sheryl D. Allen and  
4           George F. Allen, her husband; providing for an  
5           appropriation to compensate them for injuries  
6           and damages sustained as a result of an  
7           accident involving Sheryl D. Allen and an  
8           employee of the City of Tallahassee; providing  
9           for a limitation on payment of fees and costs;  
10          providing an effective date.  
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12          WHEREAS, on December 8, 2001, Sheryl D. Allen was in  
13 Tallahassee chaperoning her daughter's Keystone Heights High  
14 School band as they participated in the city's 2001 Winter  
15 Festival parade, and  
16          WHEREAS, Sheryl D. Allen was hit by a large  
17 trailer/float owned by the City of Tallahassee and driven by a  
18 City of Tallahassee employee when the trailer swung wide,  
19 leaving the parade disembarkment area, and  
20          WHEREAS, the contact with the trailer knocked Sheryl D.  
21 Allen to the ground, resulting in a skull fracture and  
22 significant closed-head injury, and  
23          WHEREAS, the accident of December 8, 2001, formed the  
24 basis of a negligence action filed against the City of  
25 Tallahassee in 2002, and  
26          WHEREAS, the city, after extensive discovery in the  
27 litigation, admitted liability, and  
28          WHEREAS, on April 7, 2004, the City of Tallahassee and  
29 Sheryl D. Allen and George F. Allen mediated the case prior to  
30 trial and reached an agreement whereby the city agreed to pay  
31 Sheryl D. Allen and George F. Allen \$200,000, pursuant to the

1 statutory limits of liability, and to support the passage of a  
2 claims bill in the Legislature for an additional payment of  
3 \$775,000, and

4 WHEREAS, the Tallahassee City Commission and the  
5 Circuit Court in and for the Second Judicial Circuit approved  
6 the settlement agreement reached at mediation, and the city  
7 has paid \$200,000 to Sheryl D. Allen, George F. Allen, and  
8 their attorneys, and

9 WHEREAS, the City of Tallahassee has agreed to support  
10 the filing and passage of this bill and has agreed that, if  
11 this act becomes law, the City of Tallahassee, within 30 days  
12 after the effective date of the act, will pay an additional  
13 \$775,000 to Sheryl D. Allen and George F. Allen, NOW,

14 THEREFORE,

15  
16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. The facts contained in the preamble to this  
19 act are found and declared to be true.

20 Section 2. The City of Tallahassee is authorized and  
21 directed to appropriate from funds of the city not otherwise  
22 appropriated and to draw a warrant in the amount of \$775,000,  
23 payable to Sheryl D. Allen and George F. Allen as compensation  
24 for injuries and damages sustained due to the negligence of an  
25 employee of the city.

26 Section 3. This award is intended to provide the sole  
27 compensation for any and all present and future claims arising  
28 out of the factual situation in connection with the injury to  
29 Sheryl D. Allen. Not more than 25 percent of the award may be  
30 paid by the claimants for attorney's fees, lobbying fees,  
31 costs or other similar expenses.

1           Section 4. This act shall take effect upon becoming a  
2 law.

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4                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
5                                COMMITTEE SUBSTITUTE FOR  
6                                Senate Bill 486

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7 The CS makes the following changes:

8 Provides a limitation on payment of fees and costs.

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