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1                   A bill to be entitled  
2       An act for the relief of Irving Hoffman and Marjorie  
3       Weiss, parents of Rachel Hoffman, by the City of  
4       Tallahassee; providing for an appropriation to compensate  
5       Irving Hoffman and Marjorie Weiss, individually and as co-  
6       personal representatives of the Estate of Rachel Hoffman,  
7       for the wrongful death of Rachel Hoffman, which was  
8       allegedly due to the negligence of the Tallahassee Police  
9       Department; providing a limitation on the payment of fees  
10      and costs; providing an effective date.

11  
12       WHEREAS, Rachel Hoffman was the only child of Irving  
13      Hoffman and Marjorie Weiss, and

14       WHEREAS, Rachel Hoffman was 23 years old, a recent graduate  
15      of Florida State University, and living in Tallahassee, Florida,  
16      and

17       WHEREAS, Rachel Hoffman was in a drug court intervention  
18      program and represented by counsel, and

19       WHEREAS, on April 17, 2008, the Tallahassee Police  
20      Department conducted a search of Rachel Hoffman's apartment and  
21      found approximately 70 grams of marijuana and six nonprescribed  
22      pills and at that time advised her that she was facing serious  
23      felony charges and prison time of 1 to 4 years or that she could  
24      "make all of the charges go away," by serving as a confidential  
25      informant, and

26       WHEREAS, Rachel agreed to become a confidential drug  
27      informant for the Tallahassee Police Department without advice  
28      of counsel because she was told not to tell anyone, and

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29 WHEREAS, the Tallahassee Police Department violated its own  
30 policies and procedures by not advising the state attorney's  
31 office and the drug court of what it had found in Rachel  
32 Hoffman's apartment, and

33 WHEREAS, if the Tallahassee Police Department had advised  
34 the state attorney's office of its findings, Rachel Hoffman  
35 would not have been allowed to participate in the Tallahassee  
36 Police Department's confidential informant program because such  
37 participation would violate the terms of the drug court  
38 contract, and

39 WHEREAS, the Tallahassee Police Department developed a plan  
40 whereby Rachel Hoffman would purchase 1,500 MDMA pills, also  
41 known as ecstasy, 3 ounces of cocaine, and a weapon from Andrea  
42 Green and Daneilo Bradshaw whom Rachel Hoffman did not have any  
43 previous contact or dealings with, and

44 WHEREAS, Rachel Hoffman had never purchased cocaine, did  
45 not have a history of dealing in cocaine, and did not have any  
46 experience with a weapon, and

47 WHEREAS, Forest Meadows Park is a popular, highly  
48 frequented public park where families and children congregate,  
49 and

50 WHEREAS, as Rachel Hoffman approached Forest Meadows Park  
51 in her vehicle at approximately 6:40 p.m. on the evening of May  
52 7, 2008, Andrea Green and Daneilo Bradshaw changed the meeting  
53 location from the park to a nearby plant nursery parking lot  
54 north of the park on Meridian Road, and

55 WHEREAS, the meeting location was changed again, reportedly  
56 to the dead end at Gardner Road, a remote location further north

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57 | on Meridian Road, and

58 |       WHEREAS, the Tallahassee Police Department knew within 5  
59 | minutes that the meeting location had twice been changed from  
60 | the designated location by Andrea Green and Daneilo Bradshaw,  
61 | and

62 |       WHEREAS, after learning that Rachel Hoffman was driving to  
63 | meet Green and Bradshaw at the dead end at Gardner Road, the  
64 | Tallahassee Police Department lost visual sight and all  
65 | communication with Rachel Hoffman and did not go to the location  
66 | to make the arrests or immediately intervene on behalf of its  
67 | confidential informant even though the surveillance team was  
68 | only a short distance from the Gardner Road location, and

69 |       WHEREAS, by the time law enforcement personnel arrived at  
70 | the Gardner Road location, Rachel Hoffman, Andrea Green, and  
71 | Daneilo Bradshaw were all gone, and the only recorded evidence  
72 | were one flip-flop sandal, two live .25 caliber rounds of  
73 | ammunition, one spent .25 caliber round of ammunition, and tire  
74 | marks, and

75 |       WHEREAS, hours later Rachel Hoffman's cell phone was found  
76 | in a ditch miles away from the Gardner Road location, and

77 |       WHEREAS, at approximately 2 a.m. on May 8, 2008, Sgt. Odom  
78 | of the Tallahassee Police Department called Marjorie Weiss, the  
79 | mother of Rachel Hoffman, and Irving Hoffman, the father, and  
80 | advised them that their daughter was missing, but he did not  
81 | provide any further information, and

82 |       WHEREAS, when Irving Hoffman and Marjorie Weiss arrived  
83 | later that afternoon at the Tallahassee police station after  
84 | driving from their homes in Pinellas County, Florida, they were

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85 met by the Chief of the Tallahassee Police Department and other  
86 city officials and told simply that their daughter was missing  
87 but that there was not any other information available regarding  
88 the reason their daughter was missing, and

89 WHEREAS, it was not until 2 days later, on May 9, 2008,  
90 that Rachel Hoffman's body was found near Perry, Florida,  
91 approximately 50 miles away and was shot multiple times by the  
92 gun the Tallahassee Police Department required her to purchase,  
93 and

94 WHEREAS, upon the discovery of Rachel Hoffman's body, the  
95 Chief and Public Information Officer of the Tallahassee Police  
96 Department appeared before the media and blamed Rachel Hoffman  
97 for her death, and while watching television, Irving Hoffman and  
98 Marjorie Weiss learned for the first time that their daughter  
99 had been missing and was killed while serving the Tallahassee  
100 Police Department in an undercover capacity, and

101 WHEREAS, the Tallahassee Police Department committed  
102 multiple acts of negligence in the recruitment of Rachel  
103 Hoffman, the planning of the purchase of controlled substances  
104 and a weapon by Rachel Hoffman, and the execution thereof, and

105 WHEREAS, on August 1, 2008, a Leon County grand jury found  
106 the command staff of the Tallahassee Police Department was  
107 negligent in its supervision, review, and execution of the  
108 planned purchase of controlled substances and a weapon, and  
109 stated that it was "an unconscionable decision that cost Ms.  
110 Hoffman her life," and

111 WHEREAS, Rachel Hoffman's death was a shocking and  
112 devastating loss to her parents who are in states of

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113 pathological grief over the death of their only child, NOW,  
 114 THEREFORE,

115

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

117

118 Section 1. City of Tallahassee is authorized and directed  
 119 to appropriate from funds of the city not otherwise appropriated  
 120 and to draw a warrant in the sum of \$ \_\_\_\_\_, payable to Irving  
 121 Hoffman and Marjorie Weiss, individually and as co-personal  
 122 representatives of the Estate of Rachel Hoffman, deceased, as  
 123 compensation for the death of their daughter, Rachel Hoffman.

124 Section 2. This award is intended to provide the sole  
 125 compensation for all present and future claims arising out of  
 126 the factual situation described in this act which resulted in  
 127 the death of Rachel Hoffman. The total amount paid for  
 128 attorney's fees, lobbying fees, costs, and other similar  
 129 expenses relating to this claim may not exceed 25 percent of the  
 130 amount awarded under this act.

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