

By Senator Lawson

6-00164A-09

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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
5 compensate Irving Hoffman and Marjorie Weiss,
6 individually and as co-personal representatives of the
7 Estate of Rachel Hoffman, for the wrongful death of
8 Rachel Hoffman, which was allegedly due to the
9 negligence of the Tallahassee Police Department;
10 providing a limitation on the payment of fees and
11 costs; providing an effective date.

12
13 WHEREAS, Rachel Hoffman was the only child of Irving
14 Hoffman and Margie Weiss, and

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

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

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

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

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

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

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

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

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

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

56 WHEREAS, the meeting location was changed again, reportedly
57 to the dead end at Gardner Road, a remote location further north
58 on Meridian Road, and

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

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

70 WHEREAS, by the time law enforcement personnel arrived at
71 the Gardner Road location, Rachel Hoffman, Andrea Green, and
72 Daneilo Bradshaw were all gone, and the only recorded evidence
73 were one flip-flop sandal, two live .25 rounds, one spent .25
74 caliber round, and tire 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 Margie 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 Margie Weiss arrived later
83 that afternoon at the Tallahassee police station after driving
84 from their homes in Pinellas County, Florida, they were met by
85 the Chief of the Tallahassee Police Department and other city
86 officials and told simply that their daughter was missing but
87 that there was not any other information available regarding the

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88 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 Margie Weiss learned for the first time that their daughter had
99 been missing and was killed while serving the Tallahassee Police
100 Department in an undercover capacity,

101 WHEREAS, the Tallahassee Police Department committed
102 multiple acts of negligence in the recruitment of Rachel
103 Hoffman, the planning of the controlled buy, and the execution
104 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 buy for controlled drug and weapons, and stated that it
109 was "an unconscionable decision that cost Ms. Hoffman her life,"
110 and

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

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

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

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