

By Senator Montford

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1 A bill to be entitled
2 An act relating to the City of Tallahassee; providing
3 for the relief of Mark T. Sawicki and his wife, Sharon
4 L. Sawicki, individually, by the City of Tallahassee;
5 providing for an appropriation to compensate them for
6 injuries sustained by Mr. Sawicki as a result of the
7 negligence of the City of Tallahassee; providing a
8 limitation on the payment of fees and costs; providing
9 an effective date.

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11 WHEREAS, on the morning of October 2, 2009, Mark T. Sawicki
12 was riding his bicycle on his way to Florida State University in
13 Tallahassee, where he works as an engineer, and

14 WHEREAS, Mark T. Sawicki was stopped at the intersection of
15 Call Street and North Monroe Street while waiting to cross the
16 street, and

17 WHEREAS, a solid waste collection vehicle, owned by the
18 City of Tallahassee and operated by a city employee, was making
19 a right-hand turn and knocked Mark T. Sawicki over, and

20 WHEREAS, as a result of the foregoing incident, Mark T.
21 Sawicki sustained multiple fractures, including, but not limited
22 to, fractures to his right and left pelvic region, right femur,
23 right acetabulum pubic ramus, and sacrum; a torn urethra;
24 multiple abrasions and lacerations to his right thigh and upper
25 and lower extremities; and neurological damage to his right
26 lower extremities, resulting in a dropped foot, and

27 WHEREAS, on June 7, 2010, a complaint was filed on behalf
28 of Mark T. Sawicki and his wife, Sharon L. Sawicki, against the
29 City of Tallahassee in the Circuit Court for Leon County, Case

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30 No. 2010-CA-1984, and

31 WHEREAS, the City of Tallahassee, Mark T. Sawicki, and his
32 wife, Sharon L. Sawicki, have reached a settlement that includes
33 a lump-sum payment in the amount of \$900,000, and

34 WHEREAS, the City of Tallahassee has already paid \$200,000
35 under the statutory limits of liability set forth in s. 768.28,
36 Florida Statutes, and

37 WHEREAS, the City of Tallahassee fully supports the passage
38 of this claim bill, NOW, THEREFORE,

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

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

44 Section 2. The City of Tallahassee is authorized and
45 directed to appropriate from funds of the city not otherwise
46 appropriated and to draw a warrant, payable to Mark T. Sawicki
47 and his wife, Sharon L. Sawicki, for the total amount of
48 \$700,000 as compensation for injuries and damages sustained as a
49 result of the negligence of an employee of the City of
50 Tallahassee.

51 Section 3. The total amount paid for attorney fees,
52 lobbying fees, costs, and other similar expenses relating to
53 this claim may not exceed 25 percent of the amount awarded under
54 this act.

55 Section 4. The compensation awarded under this act is
56 intended to provide the sole compensation for all present and
57 future claims arising out of the factual situation described in
58 this act which resulted in the injuries to Mark T. Sawicki.

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Section 5. This act shall take effect upon becoming a law.