

By Senator Montford

3-00034A-15

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1                   A bill to be entitled  
2       An act for the relief of Mark T. Sawicki and his wife,  
3       Sharon L. Sawicki, by the City of Tallahassee;  
4       providing for an appropriation to compensate them for  
5       injuries sustained by Mr. Sawicki as a result of the  
6       negligence of an employee of the City of Tallahassee;  
7       providing a limitation on the payment of fees and  
8       costs; providing that certain payments and the  
9       appropriation satisfy all present and future claims  
10      related to the negligent act; providing an effective  
11      date.

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

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

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

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

29       WHEREAS, on June 7, 2010, a complaint was filed on behalf

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30 of Mark T. Sawicki and his wife, Sharon L. Sawicki, against the  
31 City of Tallahassee in the Circuit Court for Leon County, Case  
32 No. 2010-CA-1984, to recover damages for the injuries sustained  
33 by Mark T. Sawicki as a result of the negligence of the City of  
34 Tallahassee employee, and

35 WHEREAS, the City of Tallahassee, Mark T. Sawicki, and his  
36 wife, Sharon L. Sawicki, reached a settlement of the case that  
37 includes a lump-sum payment in the amount of \$900,000, and

38 WHEREAS, the City of Tallahassee paid \$200,000 of the  
39 settlement pursuant to the statutory limits of liability set  
40 forth in s. 768.28, Florida Statutes, and

41 WHEREAS, the City of Tallahassee fully supports the passage  
42 of this claim bill, NOW, THEREFORE,

43

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

45

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

48 Section 2. The City of Tallahassee is authorized and  
49 directed to appropriate from funds of the city not otherwise  
50 appropriated and to draw a warrant, payable to Mark T. Sawicki  
51 and his wife, Sharon L. Sawicki, for the total amount of  
52 \$700,000 as compensation for injuries and damages sustained as a  
53 result of the negligence of an employee of the City of  
54 Tallahassee.

55 Section 3. The total amount paid for attorney fees,  
56 lobbying fees, costs, and other similar expenses relating to  
57 this claim may not exceed 25 percent of the amount awarded under  
58 this act.

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59           Section 4. The amount paid by the City of Tallahassee  
60 pursuant to s. 768.28, Florida Statutes, and the amount awarded  
61 under this act is intended to provide the sole compensation for  
62 all present and future claims arising out of the factual  
63 situation described in this act which resulted in the injuries  
64 to Mark T. Sawicki.

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