

Committee Substitute for Senate Bill No. 486

An act for the relief of Sheryl D. Allen and George F. Allen by the City of Tallahassee; providing for an appropriation to compensate Sheryl D. Allen and George F. Allen for injuries sustained as a result of an accident involving Sheryl D. Allen and an employee of the City of Tallahassee; providing for attorney's fees, lobbyist's fees, and costs; providing an effective date.

WHEREAS, on December 8, 2001, Sheryl D. Allen was in Tallahassee chaperoning her daughter's Keystone Heights High School Band as they participated in the city's 2001 Winter Festival parade, and

WHEREAS, Sheryl D. Allen was hit by a large trailer/float owned by the City of Tallahassee and driven by a City of Tallahassee employee when the trailer swung wide, leaving the parade disembarkment area, and

WHEREAS, the contact with the trailer knocked Sheryl D. Allen to the ground, resulting in a skull fracture and significant closed-head injury, and

WHEREAS, the accident of December 8, 2001, formed the basis of a negligence action filed against the City of Tallahassee in 2002, and

WHEREAS, the city, after extensive discovery during the litigation, admitted liability, and

WHEREAS, on April 7, 2004, the City of Tallahassee and Sheryl D. Allen and George F. Allen, husband of Sheryl D. Allen, mediated the case prior to trial and reached an agreement whereby the city agreed to pay Sheryl D. Allen and George F. Allen \$200,000, pursuant to the limits of liability set forth in s. 768.28, Florida Statutes, and to support the passage of a claims bill in the Legislature for an additional payment of \$775,000, and

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

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

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

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

Section 2. The 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 \$775,000 payable to Sheryl D. Allen and George F. Allen as compensation for injuries and damages sustained due to the negligence of an employee of the city.

Section 3. Payment for attorney's fees and costs incurred by the claimant's attorneys shall not exceed \$117,946. Payment for the professional services and costs of lobbyists advocating for passage of this claim shall not exceed \$7,750.

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

Approved by the Governor May 22, 2007.

Filed in Office Secretary of State May 22, 2007.