

CHAPTER 2015-212

Committee Substitute for House Bill No. 3523

An act for the relief of Mark T. Sawicki and his wife, Sharon L. Sawicki, by the City of Tallahassee; providing for an appropriation to compensate them for injuries sustained by Mr. Sawicki as a result of the negligence of an employee of the City of Tallahassee; providing a limitation on the payment of fees and costs; providing that certain payments and the appropriation satisfy all present and future claims related to the negligent act; providing an effective date.

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

WHEREAS, Mark T. Sawicki was stopped at a red light at the intersection of Call Street and North Monroe Street while waiting to cross the street, and

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

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

WHEREAS, on June 7, 2010, a complaint was filed on behalf of Mark T. Sawicki and his wife, Sharon L. Sawicki, against the City of Tallahassee in the Circuit Court for Leon County, Case No. 2010-CA-1984, to recover damages for the injuries sustained by Mark T. Sawicki as a result of the negligence of the City of Tallahassee employee, and

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

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

WHEREAS, the City of Tallahassee fully supports the passage of this claim bill, 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, payable to Mark T. Sawicki and his wife, Sharon L. Sawicki, for the total amount of \$700,000 as compensation for injuries and damages sustained as a result of the negligence of an employee of the City of Tallahassee.

Section 3. The total amount paid for attorney 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 4. The amount paid by the City of Tallahassee pursuant to s. 768.28, Florida Statutes, and the amount awarded under this act 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 injuries to Mark T. Sawicki.

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

Approved by the Governor June 11, 2015.

Filed in Office Secretary of State June 11, 2015.