

ENROLLED

CS/HB 3523

2015 Legislature

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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.

12
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 a red light at the
17 intersection of Call Street and North Monroe Street while
18 waiting to cross the 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

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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
 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
 47 | are 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

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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.

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.