

STORAGE NAME: h0151.cla
DATE: October 30, 2001

Florida House of Representatives
Committee on Claims
Summary Claim Bill Report

Bill #: HB 151
Sponsor: Rep. Waters
Companion Bill: SB 26 by Sen. Latvala
Special Master: Stephanie Birtman, Esq.

A. Basic Information:

1. **Claimants:** Ewa Skowronek, individually and as personal representative of the estate of Wieslaw Skowronek; and on behalf of the minor children Victor Skowronek, and Hubert Skowronek; and adult child Anna Marie Skowronek.
2. **Respondent:** City of Clearwater
3. **Amount Requested:** \$200,000
4. **Type of Claim:** Equitable – Settlement Agreement
5. **Respondent's Position:** The City has agreed not to contest the claim bill as part of the Settlement Agreement.
6. **Collateral Sources:** None.
7. **Prior Legislative History:** HB 823(2001) died in the Committee on Claims. SB 58 (2001) died in House messages.

B. Procedural Summary: A complaint was filed on behalf of the widow and minor children of Wieslaw Skowronek, alleging that the City of Clearwater was responsible for Officer John Smith's negligent use of excessive force, and also negligent for hiring and retaining Officer Smith. After two days of trial, the parties reached a settlement. Pursuant to the settlement agreement, the City is responsible to pay the claimants a total of \$525,000. Of this amount, \$200,000 is to be paid by the City pursuant to the statutory cap; \$125,000 is to be paid by the City's insurance carrier; and \$200,000 is to be submitted to the Legislature by way of a claims bill.

C. Facts of Case: Wieslaw Skowronek was a 44-year-old permanent resident from Poland who had resided with his wife and children in the US since 1989; he was 5'8" and weighed 150 pounds. While visiting the apparition of the Virgin Mary on the side of a bank building in Clearwater, Mr. Skowronek acted bizarrely, calling the attention of Officer Biazzo. Officer John Smith, who is 6'10" and 260 pounds, responded as backup. While Mr. Skowronek was prone on the ground, Officer Smith performed a knee spike on Mr. Skowronek, which lacerated his pancreas. Mr. Skowronek died in the police car. A knee spike is considered the use of deadly force, which experts testified was not called for and should never be used when the subject is on the ground, as Mr. Skowronek was in this case. The claimants include Mr. Skowronek's wife Ewa, and his three children aged 19, 15, and 11.

SM: _____ SD: _____ Date: _____
Stephanie O. Birtman Stephanie O. Birtman

