



City of Gainesville Agenda Item Report

File Number: 2025-76

Agenda Date: February 6, 2025

Department: Office of the City Attorney

Title: 2025-76 Precious Brown v. City of Gainesville (NB)

Department: City Attorney

Description: On April 1, 2023, fraudulent activity occurred at an ATM in Gainesville. The victim was from Lake City, and reported the matter to the Lake City Police Department. Lake City officers developed Ms. Brown as a suspect based on the fact that she had conducted a transaction at the same ATM within minutes of the fraudulent transaction, and they circulated still-frame pictures of her in an attempt to identify and locate her. A detective from the Gainesville Police Department (GPD) then identified Ms. Brown, and a sworn complaint was later filed against her. She was arrested around 9:45 a.m. on August 10, 2023, and spent approximately 6 hours in jail before bonding out. Should the matter proceed to suit, Ms. Brown's attorneys would urge that her criminal case was dropped after it came to light that the actual perpetrator committed the crime at the ATM three minutes after Ms. Brown left it. Furthermore, her attorneys would likely claim that the GPD detective who filed the complaint that led to Ms. Brown's arrest was disciplined for failing to thoroughly investigate the matter.

The City's liability limit is \$200,000 per the application of Florida's limited waiver of sovereign immunity contained in section 768.28, Florida Statutes. As a result of settlement negotiations, Ms. Brown has agreed to accept \$25,000.00 in full and final settlement of the claim. It is the recommendation of the City Attorney's Office and the Risk Management Department that the City settle the claim for \$25,000.00 and avoid the risk of greater liability at trial.

Fiscal Note: Funds are available in the City's General Insurance Fund.

Recommendation: The City Commission 1) approve the terms of the settlement; and 2) authorize the City Attorney to settle the claim of Precious Brown v. City of Gainesville.