

By Senator Silver

38-96A-98

1 A bill to be entitled
2 An act relating to the South Florida Water
3 Management District; providing for the relief
4 of Alan Taylor; providing for an appropriation
5 to compensate him for injuries and damages
6 sustained as a result of the negligence of the
7 South Florida Water Management District;
8 providing an effective date.

9
10 WHEREAS, on March 14, 1987, Alan Taylor was a
11 passenger in a motorboat being operated on the Biscayne Canal
12 near N.E. 130th Street in the City of North Miami, and

13 WHEREAS, while traveling on the canal, the motorboat in
14 which Alan Taylor was a passenger approached a foot bridge
15 that crossed the canal, and

16 WHEREAS, although the canal was open for recreational
17 boating, the foot bridge crossing the canal had a very low
18 clearance, and

19 WHEREAS, standards promulgated by the South Florida
20 Water Management District and originally established by the
21 Army Corps of Engineers provided for a 6-foot navigational
22 clearance for the foot bridge, and

23 WHEREAS, on March 14, 1987, the foot bridge had a
24 clearance of slightly less than 4 feet, and no warning was
25 provided to recreational boaters of the inadequate
26 navigational clearance under the foot bridge, and

27 WHEREAS, while riding as a passenger in the motorboat,
28 Alan Taylor struck his head on a steel beam that supported the
29 foot bridge spanning the Biscayne Canal, and

30 WHEREAS, as a result of this accident, Alan Taylor
31 sustained a depressed comminuted skull fracture to the right

1 side of his head, with subdural and intraparenchymal
2 hemorrhage, and

3 WHEREAS, Alan Taylor sustained permanent residual
4 damages to the right temporal and parietal lobes of his brain,
5 resulting in cognitive and psychological deficits which
6 included a 20-point drop in IQ, and

7 WHEREAS, as a result of the accident, Alan Taylor is
8 paralyzed on one side of his body and experiences severe
9 spasms and weakness on the left side of his body, with a
10 permanent physical condition similar to that of a stroke
11 victim, and

12 WHEREAS, Alan Taylor sued the South Florida Water
13 Management District for maintaining an unsafe waterway (Case
14 No. 89-03918 CA 08), and

15 WHEREAS, after many years of litigation, the case was
16 bifurcated for trial and, in October 1994, a Dade County jury
17 found the City of North Miami, the Army Corps of Engineers,
18 and the plaintiff, Alan Taylor, not guilty of any negligence
19 in the accident, and assessed 100 percent of the fault for the
20 accident to the South Florida Water Management District, and

21 WHEREAS, testimony at the trial that the foot bridge
22 did not meet the South Florida Water Management District's own
23 standards and regulations was not rebutted by the district,
24 and

25 WHEREAS, evidence was also presented which indicated
26 that the South Florida Water Management District was aware of
27 the dangerous condition created by the low clearance of the
28 foot bridge and chose not to correct it, despite the previous
29 occurrence of a similar accident, and

30 WHEREAS, during prior litigation, the South Florida
31 Water Management District was warned that this specific foot

1 bridge was dangerously low and was advised to correct the
2 problem, yet the district ignored the warnings and took no
3 remedial action, and

4 WHEREAS, in November 1994, a second Dade County jury
5 heard the evidence on damages in the case, and a judgment was
6 entered for the sum of \$4,511,708.77 in favor of Alan Taylor,
7 and

8 WHEREAS, on January 25, 1995, an amended final judgment
9 was entered in the Circuit Court of the Eleventh Judicial
10 Circuit in and for Dade County against the South Florida Water
11 Management District and in favor of Alan Taylor in the amount
12 of \$4,511,708.77, and

13 WHEREAS, the South Florida Water Management District's
14 motion for a new trial as to liability was denied by the
15 circuit court, and

16 WHEREAS, on May 29, 1996, the District Court of Appeal
17 for the Third District reversed the opinion of the trial
18 court, and

19 WHEREAS, though Alan Taylor sustained severe bodily
20 injuries, including serious head injuries, and incurred
21 hospital, medical, and rehabilitative expenses in the
22 treatment of his injuries, and

23 WHEREAS, though Alan Taylor has suffered physical
24 handicap and impairment of his working ability which are
25 either permanent or continuing in nature, as a consequence of
26 the court's reversal, Alan Taylor has received no funds from
27 the South Florida Water Management District as compensation
28 for his injuries, NOW, THEREFORE,

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

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

3 Section 2. The South Florida Water Management District
4 is authorized and directed to appropriate from funds of the
5 district not otherwise appropriated and to draw a warrant in
6 the amount of \$4,511,708.77 payable to Alan Taylor to
7 compensate him for injuries and damages sustained as a result
8 of the negligence of the South Florida Water Management
9 District.

10 Section 3. This act shall take effect upon becoming a
11 law.

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