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CS/HB 6527

2018 Legislature

1
2 An act for the relief of Christopher Cannon; providing
3 an appropriation to compensate him for injuries and
4 damages sustained as a result of the alleged
5 negligence of the City of Tallahassee; providing that
6 the appropriation satisfies all present and future
7 claims arising out of the alleged negligent acts;
8 providing a limitation on the payment of fees & costs;
9 providing an effective date.

10
11 WHEREAS, on December 16, 2015, Christopher Cannon was
12 driving his motorcycle home from work, and

13 WHEREAS, a City of Tallahassee Dial-A-Ride driver,
14 believing that an intersection where she was preparing to make a
15 turn was clear of traffic, made a left-hand turn in front of
16 Christopher Cannon, who crashed into the left front of the Dial-
17 A-Ride vehicle, causing him to be ejected from his motorcycle
18 across two lanes of traffic, and

19 WHEREAS, Christopher Cannon was transported to Tallahassee
20 Memorial Hospital where he was treated for a pulmonary
21 contusion, a right sixth rib fracture, a right scapular
22 fracture, a right kidney laceration, an adrenal gland contusion,
23 a right tibia fracture, a right fibula fracture, a right mid-
24 shaft femoral fracture, and a spleen laceration, and

25 WHEREAS, surgeons placed a rod secured by four screws

ENROLLED

CS/HB 6527

2018 Legislature

26 | through Christopher Cannon's tibia and inserted a plate and four
27 | screws to realign his right humerus fracture, and

28 | WHEREAS, Christopher Cannon was discharged approximately 2
29 | weeks after the accident, but was readmitted 1 week after his
30 | initial discharge due to a wound infection that required
31 | additional surgery for debridement, and

32 | WHEREAS, on March 30, 2016, a mandatory hearing was
33 | conducted by the Leon County Court pursuant to ss. 318.14 and
34 | 318.19, Florida Statutes, for the purpose of making a
35 | determination as to whether the Dial-A-Ride driver committed a
36 | violation of s. 316.122, Florida Statutes, related to yield of
37 | right-of-way, vehicle turning left, and

38 | WHEREAS, on April 4, 2016, the Leon County Court entered an
39 | order finding that the Dial-A-Ride driver violated s. 316.122,
40 | Florida Statutes, and that the victim suffered serious bodily
41 | harm as a direct result of the resulting accident, and

42 | WHEREAS, on July 11, 2016, counsel for Christopher Cannon
43 | filed a claim against the City of Tallahassee seeking
44 | compensation for the injuries and damages arising out of the
45 | accident in the Circuit Court of the Second Judicial Circuit in
46 | and for Leon County, Case No. 2016 CA 1560, alleging the
47 | negligence per se of the Dial-A-Ride driver and the negligent
48 | hiring, training, disciplining, supervision, and retention of
49 | the Dial-A-Ride driver by the City of Tallahassee, and

50 | WHEREAS, counsel for Christopher Cannon alleged that the

ENROLLED

CS/HB 6527

2018 Legislature

51 Dial-A-Ride driver committed negligence per se by failing to
52 yield to oncoming traffic when making a left turn in violation
53 of s. 316.122, Florida Statutes, during the accident, and

54 WHEREAS, counsel for Christopher Cannon alleged that the
55 City of Tallahassee had a duty to exercise reasonable care in
56 the hiring, training, disciplining, supervision, and retention
57 of the Dial-A-Ride driver, and

58 WHEREAS, counsel for Christopher Cannon alleged that the
59 City of Tallahassee breached its duty of reasonable care by
60 failing to exercise its duty of reasonable care to effectively
61 and reasonably train, discipline, supervise, and retain or
62 discharge the Dial-A-Ride driver, who incurred multiple traffic
63 citations during the period from 1994 through 2012, and

64 WHEREAS, counsel for Christopher Cannon alleged that as a
65 direct and proximate result of the negligence of the City of
66 Tallahassee in failing to exercise a reasonable duty of care,
67 and but for that negligence, Christopher Cannon suffered bodily
68 injury that resulted in pain and suffering; disability;
69 disfigurement; mental anguish; loss of capacity for the
70 enjoyment of life; costs associated with his hospitalization,
71 medical and nursing care, and treatment; loss of earnings; and
72 loss of the ability to earn money, and

73 WHEREAS, Christopher Cannon's past medical expenses and
74 lost wages are in excess of \$225,000 and it is anticipated that
75 he will incur additional medical expenses in the future as a

ENROLLED

CS/HB 6527

2018 Legislature

76 result of his injuries, and

77 WHEREAS, following mediation, a final order was entered in
 78 the case approving a settlement in the sum of \$700,000 between
 79 Christopher Cannon and the City of Tallahassee to satisfy all
 80 present and future claims arising out of the factual situation
 81 described in this act, and

82 WHEREAS, pursuant to the final order, the City of
 83 Tallahassee has paid \$200,000 to Christopher Cannon under the
 84 statutory limits of liability set forth in s. 768.28, Florida
 85 Statutes, and \$500,000 remains unpaid, NOW, THEREFORE,

86
 87 Be It Enacted by the Legislature of the State of Florida:

88
 89 Section 1. The facts stated in the preamble to this act
 90 are found and declared to be true.

91 Section 2. The City of Tallahassee is authorized and
 92 directed to appropriate from funds not otherwise encumbered and
 93 to draw a warrant in the sum of \$500,000 payable to Christopher
 94 Cannon as compensation for injuries and damages sustained.

95 Section 3. The amount paid by the City of Tallahassee
 96 pursuant to s. 768.28, Florida Statutes, and the amount awarded
 97 under this act are intended to provide the sole compensation for
 98 all present and future claims arising out of the factual
 99 situation described in this act which resulted in injuries and
 100 damages to Christopher Cannon. Of the amount awarded under this

ENROLLED

CS/HB 6527

2018 Legislature

101 | act, the total amount paid for attorney fees may not exceed
102 | \$100,000, the total amount paid for lobbying fees may not exceed
103 | \$25,000, and no amount may be paid for costs or other similar
104 | expenses.

105 | Section 4. This act shall take effect upon becoming a law.