



436186

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/12/2019	.	
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The Committee on Judiciary (Simmons) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

Section 2. The Miami-Dade County Board of County Commissioners is authorized and directed to appropriate from funds of the county not otherwise encumbered and to draw a warrant in the sum of \$1.45 million, payable to Maria Tenner as personal representative of the Estate of Eric Scot Tenner, as



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12 compensation for injuries and damages sustained.

13       Section 3. The amount paid by the Miami-Dade County Board  
14 of County Commissioners pursuant to s. 768.28, Florida Statutes,  
15 and the amount awarded under this act are intended to provide  
16 the sole compensation for all present and future claims arising  
17 out of the factual situation described in this act which  
18 resulted in the death of Eric Scot Tenner, including injuries  
19 and damages to the Estate of Eric Scot Tenner and his survivors.  
20 The total amount paid for attorney fees relating to this claim  
21 may not exceed 25 percent of the total amount awarded under this  
22 act.

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

24  
25 ===== T I T L E   A M E N D M E N T =====

26 And the title is amended as follows:

27       Delete everything before the enacting clause  
28 and insert:

29                               A bill to be entitled  
30       An act for the relief of the Estate of Eric Scot  
31       Tenner by the Miami-Dade County Board of County  
32       Commissioners; providing for an appropriation to  
33       compensate his estate for injuries and damages  
34       sustained by Eric Scot Tenner and his survivors as a  
35       result of the negligence of an employee of the Miami-  
36       Dade County Board of County Commissioners; providing a  
37       limitation on the payment of attorney fees; providing  
38       an effective date.

39  
40       WHEREAS, on October 8, 2014, 45-year-old Eric Scot Tenner



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41 was riding his bicycle along the U.S. 1 Busway in Miami-Dade  
42 County, wearing appropriate clothing and safety equipment for  
43 cycling, and

44 WHEREAS, Mr. Tenner was struck by a bus owned and operated  
45 by the Miami-Dade County Board of County Commissioners at  
46 approximately 7 a.m. near the intersection of the U.S. 1 Busway  
47 and SW 124th Street, and

48 WHEREAS, the driver of a vehicle has a duty to use  
49 reasonable care to prevent injuring persons in the vehicle's  
50 path, and

51 WHEREAS, the bus driver should have seen Mr. Tenner's  
52 bicycle, but the driver breached his duty to use reasonable care  
53 when his bus struck Mr. Tenner from behind, and

54 WHEREAS, the bus driver was acting within his scope of  
55 employment with the Miami-Dade County Board of County  
56 Commissioners at the time of the accident and the board is  
57 liable under the doctrine of respondeat superior, and

58 WHEREAS, Mr. Tenner was transported to Kendall Regional  
59 Medical Center, where he succumbed to his injuries and died on  
60 October 11, 2014, and

61 WHEREAS, Mr. Tenner, through his wife, donated all viable  
62 tissues and organs so that others may live, and

63 WHEREAS, Mr. Tenner is survived by his wife and two minor  
64 sons, all of whom are being treated by therapists and health  
65 professionals to cope with the loss of their husband and father,  
66 who provided for and had a demonstrably close relationship with  
67 his family, and

68 WHEREAS, Mr. Tenner's family is suffering significant  
69 financial hardship due to the loss of Mr. Tenner's net



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70 accumulations in the past and the future, and extreme mental  
71 anguish and suffering resulting from the loss of their husband  
72 and father, and

73 WHEREAS, the Estate of Eric Scot Tenner has alleged,  
74 through a lawsuit filed May 22, 2015, in Miami-Dade County, that  
75 the negligence of the Miami-Dade County Board of County  
76 Commissioners, through its bus driver, was the proximate cause  
77 of Mr. Tenner's death, and

78 WHEREAS, the total present value of Mr. Tenner's economic  
79 damages from this incident is calculated to be \$3,563,249.93,  
80 which consists of his future and past lost earning capacity of  
81 \$3,531,212 and past medical expenses of \$32,037.93, and

82 WHEREAS, the Miami-Dade County Board of County  
83 Commissioners and the Estate of Eric Scot Tenner reached a  
84 settlement agreement by mediation in the amount of \$1.75  
85 million, of which \$300,000 will be paid to the Estate of Eric  
86 Scot Tenner pursuant to the limits of liability set forth in s.  
87 768.28, Florida Statutes, and the remainder is conditioned upon  
88 the passage of a claim bill, which is agreed to by the Miami-  
89 Dade County Board of County Commissioners, in the amount of  
90 \$1.45 million, NOW, THEREFORE,