

By Senator Simmons

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1 A bill to be entitled

2 An act for the relief of the Estate of Eric Scott
3 Tenner by the Miami-Dade County Board of County
4 Commissioners; providing for an appropriation to
5 compensate his estate for injuries and damages
6 sustained by Eric Scott Tenner and his survivors as a
7 result of the negligence of an employee of the Miami-
8 Dade County Board of County Commissioners; providing a
9 limitation on the payment of attorney fees; providing
10 an effective date.

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12 WHEREAS, on October 8, 2014, 45-year-old Eric Scott Tenner
13 was riding his bicycle along the U.S. 1 Busway in Miami-Dade
14 County, wearing appropriate clothing and safety equipment for
15 cycling, and

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

20 WHEREAS, the driver of a vehicle has a duty to use
21 reasonable care to prevent injuring persons in the vehicle's
22 path, and

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

26 WHEREAS, the bus driver was acting within his scope of
27 employment with the Miami-Dade County Board of County
28 Commissioners at the time of the accident and the board is
29 liable under the doctrine of respondeat superior, and

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30 WHEREAS, Mr. Tenner was transported to Kendall Regional
31 Medical Center, where he succumbed to his injuries and died on
32 October 11, 2014, and

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

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

40 WHEREAS, Mr. Tenner's family is suffering significant
41 financial hardship due to the loss of Mr. Tenner's net
42 accumulations in the past and the future, and extreme mental
43 anguish and suffering resulting from the loss of their husband
44 and father, and

45 WHEREAS, the Estate of Eric Scott Tenner has alleged,
46 through a lawsuit filed May 22, 2015, in Miami-Dade County, that
47 the negligence of the Miami-Dade County Board of County
48 Commissioners, through its bus driver, was the proximate cause
49 of Mr. Tenner's death, and

50 WHEREAS, the total present value of Mr. Tenner's economic
51 damages from this incident is calculated to be \$3,563,249.93,
52 which consists of his future and past lost earning capacity of
53 \$3,531,212 and past medical expenses of \$32,037.93, and

54 WHEREAS, the Miami-Dade County Board of County
55 Commissioners and the Estate of Eric Scott Tenner reached a
56 settlement agreement by mediation in the amount of \$1.75
57 million, of which \$300,000 will be paid to the Estate of Eric
58 Scott Tenner pursuant to the limits of liability set forth in s.

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59 768.28, Florida Statutes, and the remainder is conditioned upon
60 the passage of a claim bill, which is agreed to by the Miami-
61 Dade County Board of County Commissioners, in the amount of
62 \$1.45 million, NOW, THEREFORE,

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

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

68 Section 2. The Miami-Dade County Board of County
69 Commissioners is authorized and directed to appropriate from
70 funds of the county not otherwise encumbered and to draw a
71 warrant in the sum of \$1.45 million, payable to Maria Tenner as
72 personal representative of the Estate of Eric Scott Tenner, as
73 compensation for injuries and damages sustained.

74 Section 3. The amount paid by the Miami-Dade County Board
75 of County Commissioners pursuant to s. 768.28, Florida Statutes,
76 and the amount awarded under this act are intended to provide
77 the sole compensation for all present and future claims arising
78 out of the factual situation described in this act which
79 resulted in the death of Eric Scott Tenner, including injuries
80 and damages to the Estate of Eric Scott Tenner and his
81 survivors. The total amount paid for attorney fees relating to
82 this claim may not exceed 25 percent of the total amount awarded
83 under this act.

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