

By the Committee on Judiciary; and Senator Simmons

590-02910-19

201924c1

1 A bill to be entitled

2 An act for the relief of the Estate of Eric Scot  
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 Scot 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.

11  
12 WHEREAS, on October 8, 2014, 45-year-old Eric Scot 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 Scot 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 Scot 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 Scot 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,

63  
64 Be It Enacted by the Legislature of the State of Florida:

65  
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 Scot 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 Scot Tenner, including injuries  
80 and damages to the Estate of Eric Scot Tenner and his survivors.  
81 The total amount paid for attorney fees relating to this claim  
82 may not exceed 25 percent of the total amount awarded under this  
83 act.

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