

CHAPTER 2019-185

Committee Substitute for House Bill No. 6513

An act for the relief of the Estate of Eric Scott Tenner by the Miami-Dade County Board of County Commissioners; providing for an appropriation to compensate his estate for injuries and damages sustained by Eric Scott Tenner and his survivors as a result of the negligence of an employee of the Miami-Dade County Board of County Commissioners; providing a limitation on the payment of fees and costs; providing an effective date.

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

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

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

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

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

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

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

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

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

WHEREAS, the Estate of Eric Scott Tenner has alleged, through a lawsuit filed May 22, 2015, in Miami-Dade County, that the negligence of the Miami-

Dade County Board of County Commissioners, through its bus driver, was the proximate cause of Mr. Tenner’s death, and

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

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

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

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 Scott Tenner, as compensation for injuries and damages sustained.

Section 3. The amount paid by the Miami-Dade County Board of County Commissioners pursuant to s. 768.28, Florida Statutes, and the amount awarded under this act are intended to provide the sole compensation for all present and future claims arising out of the factual situation described in this act which resulted in the death of Eric Scott Tenner, including injuries and damages to the Estate of Eric Scott Tenner and his survivors. Of the amount awarded under this act, the total amount paid for attorney fees may not exceed \$290,000, the total amount paid for lobbying fees may not exceed \$72,500, and no amount may be paid for costs or other similar expenses.

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

Approved by the Governor May 23, 2019.

Filed in Office Secretary of State May 23, 2019.