

By Senator Garcia

36-00161A-18

201826\_\_

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

9  
10       WHEREAS, on October 8, 2014, 45-year-old Eric Scott Tenner  
11       was struck by a bus owned and operated by the Miami-Dade County  
12       Board of Commissioners at approximately 7 a.m. near the  
13       intersection of SW 124th Street and the U.S. 1 Busway in Miami-  
14       Dade County, and

15       WHEREAS, the bus driver who struck Mr. Tenner was  
16       subsequently arrested and charged with the criminal offense of  
17       leaving the scene of a crash involving serious bodily injury, a  
18       felony in the second degree under s. 316.027(2)(b), Florida  
19       Statutes, though the charge was later dropped by the Office of  
20       the State Attorney of the 11th Judicial Circuit, and

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

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

26       WHEREAS, the total present value of Mr. Tenner's economic  
27       damages from this incident is calculated to be \$3,563,249.93,  
28       which consists of his future and past lost earning capacity of  
29       \$3,531,212 and past medical expenses of \$32,037.93, and

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

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

43  
44 Be It Enacted by the Legislature of the State of Florida:

45  
46 Section 1. The facts stated in the preamble to this act are  
47 found and declared to be true.

48 Section 2. The Miami-Dade County Board of Commissioners is  
49 authorized and directed to appropriate from funds of the county  
50 not otherwise appropriated and to draw a warrant in the sum of  
51 \$1.45 million, payable to Maria Tenner, as personal  
52 representative of the Estate of Eric Scott Tenner, as  
53 compensation for injuries and damages sustained.

54 Section 3. The amount paid by the Miami-Dade County Board  
55 of Commissioners pursuant to s. 768.28, Florida Statutes, and  
56 the amount awarded under this act are intended to provide the  
57 sole compensation for all present and future claims arising out  
58 of the factual situation described in this act which resulted in

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59 the death of Eric Scott Tenner. The total amount paid for  
60 attorney fees relating to this claim may not exceed 25 percent  
61 of the amount awarded under this act.

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