

By Senator Montford

3-00146-18

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1 A bill to be entitled
2 An act for the relief of Christopher Cannon; providing
3 an appropriation to compensate him for injuries and
4 damages sustained as a result of the alleged
5 negligence of the City of Tallahassee; providing that
6 the appropriation satisfies all present and future
7 claims arising out of the alleged negligent acts;
8 providing a limitation on the payment of attorney
9 fees; providing an effective date.

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11 WHEREAS, on December 16, 2015, Christopher Cannon was
12 driving his motorcycle home from work, and

13 WHEREAS, a City of Tallahassee Dial-A-Ride driver,
14 believing that an intersection where she was preparing to make a
15 turn was clear of traffic, made a left-hand turn in front of
16 Christopher Cannon, who crashed into the left front of the Dial-
17 A-Ride vehicle, causing him to be ejected from his motorcycle
18 across two lanes of traffic, and

19 WHEREAS, Christopher Cannon was transported to Tallahassee
20 Memorial Hospital where he was treated for a pulmonary
21 contusion, a right sixth rib fracture, a right scapular
22 fracture, a right kidney laceration, an adrenal gland contusion,
23 a right tibia fracture, a right fibula fracture, a right mid-
24 shaft femoral fracture, and a spleen laceration, and

25 WHEREAS, surgeons placed a rod secured by four screws
26 through Christopher Cannon's tibia and inserted a plate and four
27 screws to realign his right humerus fracture, and

28 WHEREAS, Christopher Cannon was discharged approximately 2
29 weeks after the accident, but was readmitted 1 week after his

3-00146-18

201828__

30 initial discharge due to a wound infection that required
31 additional surgery for debridement, and

32 WHEREAS, on March 30, 2016, a mandatory hearing was
33 conducted by the Leon County Court pursuant to ss. 318.14 and
34 318.19, Florida Statutes, for the purpose of making a
35 determination as to whether the Dial-A-Ride driver committed a
36 violation of s. 316.122, Florida Statutes, related to yield of
37 right-of-way, vehicle turning left, and

38 WHEREAS, on April 4, 2016, the Leon County Court entered an
39 order finding that the Dial-A-Ride driver violated s. 316.122,
40 Florida Statutes, and that the victim suffered serious bodily
41 harm as a direct result of the resulting accident, and

42 WHEREAS, on July 11, 2016, counsel for Christopher Cannon
43 filed a claim against the City of Tallahassee seeking
44 compensation for the injuries and damages arising out of the
45 accident in the Circuit Court of the Second Judicial Circuit in
46 and for Leon County, Case No. 2016 CA 1560, alleging the
47 negligence per se of the Dial-A-Ride driver and the negligent
48 hiring, training, disciplining, supervision, and retention of
49 the Dial-A-Ride driver by the City of Tallahassee, and

50 WHEREAS, counsel for Christopher Cannon alleged that the
51 Dial-A-Ride driver committed negligence per se by failing to
52 yield to oncoming traffic when making a left turn in violation
53 of s. 316.122, Florida Statutes, during the accident, and

54 WHEREAS, counsel for Christopher Cannon alleged that the
55 City of Tallahassee had a duty to exercise reasonable care in
56 the hiring, training, disciplining, supervision, and retention
57 of the Dial-A-Ride driver, and

58 WHEREAS, counsel for Christopher Cannon alleged that the

3-00146-18

201828__

59 City of Tallahassee breached its duty of reasonable care by
60 failing to exercise its duty of reasonable care to effectively
61 and reasonably train, discipline, supervise, and retain or
62 discharge the Dial-A-Ride driver, who incurred multiple traffic
63 citations during the period from 1994 through 2012, and

64 WHEREAS, counsel for Christopher Cannon alleged that as a
65 direct and proximate result of the negligence of the City of
66 Tallahassee in failing to exercise a reasonable duty of care,
67 and but for that negligence, Christopher Cannon suffered bodily
68 injury that resulted in pain and suffering; disability;
69 disfigurement; mental anguish; loss of capacity for the
70 enjoyment of life; costs associated with his hospitalization,
71 medical and nursing care, and treatment; loss of earnings; and
72 loss of the ability to earn money, and

73 WHEREAS, Christopher Cannon's past medical expenses and
74 lost wages are in excess of \$225,000 and it is anticipated that
75 he will incur additional medical expenses in the future as a
76 result of his injuries, and

77 WHEREAS, following mediation, a final order was entered in
78 the case approving a settlement in the sum of \$700,000 between
79 Christopher Cannon and the City of Tallahassee to satisfy all
80 present and future claims arising out of the factual situation
81 described in this act, and

82 WHEREAS, pursuant to the final order, the City of
83 Tallahassee has paid \$200,000 to Christopher Cannon under the
84 statutory limits of liability set forth in s. 768.28, Florida
85 Statutes, and \$500,000 remains unpaid, NOW, THEREFORE,

86
87 Be It Enacted by the Legislature of the State of Florida:

3-00146-18

201828__

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

91 Section 2. The City of Tallahassee is authorized and
92 directed to appropriate from funds not otherwise encumbered and
93 to draw a warrant in the sum of \$500,000 payable to Christopher
94 Cannon as compensation for injuries and damages sustained.

95 Section 3. The amount paid by the City of Tallahassee
96 pursuant to s. 768.28, Florida Statutes, and the amount awarded
97 under this act are intended to provide the sole compensation for
98 all present and future claims arising out of the factual
99 situation described in this act which resulted in injuries and
100 damages to Christopher Cannon. The total amount paid for
101 attorney fees relating to this claim may not exceed 25 percent
102 of the amount awarded under this act.

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