

CHAPTER 2018-192

Committee Substitute for House Bill No. 6527

An act for the relief of Christopher Cannon; providing an appropriation to compensate him for injuries and damages sustained as a result of the alleged negligence of the City of Tallahassee; providing that the appropriation satisfies all present and future claims arising out of the alleged negligent acts; providing a limitation on the payment of fees & costs; providing an effective date.

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

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

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

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

WHEREAS, Christopher Cannon was discharged approximately 2 weeks after the accident, but was readmitted 1 week after his initial discharge due to a wound infection that required additional surgery for debridement, and

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

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

WHEREAS, on July 11, 2016, counsel for Christopher Cannon filed a claim against the City of Tallahassee seeking compensation for the injuries and damages arising out of the accident in the Circuit Court of the Second Judicial Circuit in and for Leon County, Case No. 2016 CA 1560, alleging the negligence per se of the Dial-A-Ride driver and the negligent hiring,

training, disciplining, supervision, and retention of the Dial-A-Ride driver by the City of Tallahassee, and

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

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

WHEREAS, counsel for Christopher Cannon alleged that the City of Tallahassee breached its duty of reasonable care by failing to exercise its duty of reasonable care to effectively and reasonably train, discipline, supervise, and retain or discharge the Dial-A-Ride driver, who incurred multiple traffic citations during the period from 1994 through 2012, and

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

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

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

WHEREAS, pursuant to the final order, the City of Tallahassee has paid \$200,000 to Christopher Cannon under the statutory limits of liability set forth in s. 768.28, Florida Statutes, and \$500,000 remains unpaid, 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 City of Tallahassee is authorized and directed to appropriate from funds not otherwise encumbered and to draw a warrant in the sum of \$500,000 payable to Christopher Cannon as compensation for injuries and damages sustained.

Section 3. The amount paid by the City of Tallahassee 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 injuries and damages to Christopher Cannon. Of the amount awarded under this act, the total amount paid for attorney fees may not exceed \$100,000, the total amount paid for lobbying fees may not exceed \$25,000, 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 March 23, 2018.

Filed in Office Secretary of State March 23, 2018.