

By Senator Flores

38-00191-12

201242\_\_

1                                   A bill to be entitled  
2           An act for the relief of James D. Feurtado, III, by  
3           Miami-Dade County; providing for an appropriation to  
4           compensate him for injuries he sustained as a result  
5           of the negligence of an employee of Miami-Dade County;  
6           providing a limitation on the payment of fees and  
7           costs; providing an effective date.

8  
9           WHEREAS, on February 12, 2009, James D. Feurtado, III, age  
10          37 at the time of the accident, sustained serious and permanent  
11          neurologic and orthopedic injuries in a bus accident at  
12          approximately 7 p.m. at the intersection of Pisano Avenue and  
13          University Drive in Coral Gables, and

14          WHEREAS, the Miami-Dade County bus operator failed to stop  
15          at the stop sign at this intersection before making a right-hand  
16          turn and collided into James D. Feurtado, III, a pedestrian,  
17          thereby causing him severe orthopedic and neurological injuries,  
18          and

19          WHEREAS, the bus operator was found guilty of violating s.  
20          316.123(2)(a), Florida Statutes, for failing to obey the stop  
21          sign and was disciplined by Miami-Dade County for various  
22          violations of safety policies and procedures, and

23          WHEREAS, Mr. Feurtado was transported to the Ryder Trauma  
24          Center, where he was found to have sustained a large extra-axial  
25          hematoma in the left hemisphere of the brain with mass effect  
26          and mid-line shift, a large left hemispheric subarachnoid  
27          hemorrhage, as well as left temporal, parietal, and bi-frontal  
28          hemorrhagic contusions. He also sustained a right maxillary  
29          sinus fracture involving the anterior and lateral wall extending

38-00191-12

201242\_\_

30 into the floor and lateral wall of the orbit, and fracture to  
31 the right zygomatic arch and temporal bone, and

32 WHEREAS, Mr. Feurtado underwent a left frontoparietal  
33 craniotomy with evacuation of the subdural hematoma and  
34 placement of a drain. He developed post-traumatic communicating  
35 hydrocephalus, ultimately requiring further surgery to place a  
36 ventriculoperitoneal shunt in order to reduce the brain swelling  
37 to a point where a cranioplasty was performed, and

38 WHEREAS, Mr. Feurtado has profound sensorineural hearing  
39 loss to the right and has been evaluated for a BAHA implant  
40 procedure in the future, and

41 WHEREAS, Mr. Feurtado underwent extensive  
42 neuropsychological and psychological evaluation, and

43 WHEREAS, Mr. Feurtado has permanent brain damage,  
44 unilateral deafness, vertigo, headaches, psychiatric sequelae, a  
45 shunt, scarring, and skull defect, and

46 WHEREAS, Mr. Feurtado underwent assessment by a vocational  
47 rehabilitation and life-care planner, and

48 WHEREAS, the total present value of Mr. Feurtado's economic  
49 damages from this incident is calculated to be \$1,823,468, which  
50 consists of his future and past lost earning capacity of  
51 \$508,083, anticipated future medical expenses of \$1,176,840, and  
52 past medical expenses of \$138,545, and

53 WHEREAS, Miami-Dade County and Mr. Feurtado reached a  
54 settlement agreement by mediation in the amount of \$1.25  
55 million, of which \$100,000 has been paid to Mr. Feurtado  
56 pursuant to the limits of liability set forth in s. 768.28,  
57 Florida Statutes, and the remainder is conditioned upon the  
58 passage of a claim bill, which is unopposed, in the amount of

38-00191-12

201242\_\_

59 \$1.15 million, NOW, THEREFORE,

60

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

62

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

65 Section 2. Miami-Dade County is authorized and directed to  
66 appropriate from funds of the county not otherwise appropriated  
67 and to draw a warrant in the sum of \$1.15 million, payable to  
68 James D. Feurtado, III, as compensation for injuries and damages  
69 sustained as a result of the negligence of an employee of Miami-  
70 Dade County.

71 Section 3. The amount paid by Miami-Dade County pursuant to  
72 s. 768.28, Florida Statutes, and the amount awarded under this  
73 act are intended to provide the sole compensation for all  
74 present and future claims arising out of the factual situation  
75 described in this act which resulted in injuries to James D.  
76 Feurtado, III. The total amount paid for attorney's fees,  
77 lobbying fees, costs, and other similar expenses relating to  
78 this claim may not exceed 25 percent of the total amount awarded  
79 under this act.

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