

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.