

By Senator Flores

39-00115A-19

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1 A bill to be entitled
2 An act for the relief of Carlos Ruben Suarez Diaz and
3 his wife, Melissa Gonzalez Santiago, by the City of
4 Homestead; providing an appropriation to compensate
5 them for injuries and damages sustained as a result of
6 the negligence of an employee of the City of
7 Homestead; providing a limitation on the payment of
8 attorney fees; providing an effective date.

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10 WHEREAS, on October 15, 2013, 41-year-old Carlos Ruben
11 Suarez Diaz was crossing the intersection of NE 33rd Terrace and
12 NE 5th Street in the Crystal Lakes gated community of Homestead
13 on his bicycle in an unmarked crosswalk, and

14 WHEREAS, a City of Homestead garbage truck operator failed
15 to yield at the intersection before making a left-hand turn, and
16 the truck ran over and stopped on top of Carlos Ruben Suarez
17 Diaz, and

18 WHEREAS, Carlos Ruben Suarez Diaz sustained a massive
19 degloving injury, a ligamentous injury, and tissue loss to his
20 left lower extremity, and

21 WHEREAS, Carlos Ruben Suarez Diaz underwent multiple
22 grafting and reconstructive surgeries to his left leg and foot,
23 and

24 WHEREAS, Carlos Ruben Suarez Diaz has permanent
25 psychological and physical injuries, including posttraumatic
26 stress disorder (PTSD), pain, and loss of function, and

27 WHEREAS, Carlos Ruben Suarez Diaz will require
28 physiological and psychiatric care and medication for PTSD for
29 the rest of his life, and

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30 WHEREAS, Carlos Ruben Suarez Diaz' wife, Melissa Gonzalez
31 Santiago, has suffered loss of consortium damages as a result of
32 her husband's injuries and disability, and

33 WHEREAS, Carlos Ruben Suarez Diaz and Melissa Gonzalez
34 Santiago sued the City of Homestead and received a judgment in
35 the amount of \$1,629,091.20, bearing interest at the current
36 legal interest rate of 5.72 percent per year and thereafter at
37 the established legal rate from April 27, 2018, as well as a
38 final cost judgment in the amount of \$110,000, bearing interest
39 at the current legal interest rate of 5.72 percent per year from
40 May 9, 2018, and thereafter at the established legal rate, and

41 WHEREAS, the City of Homestead is privately insured by
42 Travelers Insurance Company in the amount of \$5 million for the
43 type of damages suffered by Carlos Ruben Suarez Diaz and Melissa
44 Gonzalez Santiago, and

45 WHEREAS, the City of Homestead and its insurer are not
46 appealing the judgments, and

47 WHEREAS, the City of Homestead has paid Carlos Ruben Suarez
48 Diaz and Melissa Gonzalez Santiago \$300,000 in partial
49 satisfaction of the judgments pursuant to the limits of
50 liability set forth in s. 768.28, Florida Statutes, and the
51 remainder is conditioned upon the passage of a claim bill in the
52 amount of \$1,439,091.20 plus interest at the legal rate, NOW,
53 THEREFORE,

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

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

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59 Section 2. The City of Homestead is authorized and directed
60 to appropriate from funds not otherwise encumbered, inclusive of
61 the insurance coverage provided to the City of Homestead by
62 Travelers Insurance Company pursuant to policy number H-810-
63 12R03571-IND-13, and to draw a warrant in the sum of
64 \$1,439,091.20 plus interest at the legal rate payable to Carlos
65 Ruben Suarez Diaz and his wife, Melissa Gonzalez Santiago, as
66 compensation for injuries and damages sustained.

67 Section 3. The amount paid by the City of Homestead
68 pursuant to s. 768.28, Florida Statutes, and the amount awarded
69 under this act are intended to provide the sole compensation for
70 all present and future claims arising out of the factual
71 situation described in this act which resulted in injuries and
72 damages to Carlos Ruben Suarez Diaz and Melissa Gonzalez
73 Santiago. The total amount paid for attorney fees relating to
74 this claim may not exceed 25 percent of the amount awarded under
75 this act.

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