

CHAPTER 2012-252

Committee Substitute for House Bill No. 1039

An act for the relief of James D. Feurtado, III, by Miami-Dade County; providing for an appropriation to compensate him for injuries he sustained as a result of the negligence of an employee of Miami-Dade County; providing a limitation on the payment of fees and costs; providing an effective date.

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

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

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

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

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

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

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

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

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

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

WHEREAS, Miami-Dade County and Mr. Feurtado reached a settlement agreement by mediation in the amount of \$1.25 million, of which \$100,000 has been paid to Mr. Feurtado pursuant to the limits of liability set forth in s. 768.28, Florida Statutes, and the remainder is conditioned upon the passage of a claim bill, which is unopposed, in the amount of \$1.15 million, 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. Miami-Dade County is authorized and directed to appropriate from funds of the county not otherwise appropriated and to draw a warrant in the sum of \$1.15 million, payable to James D. Feurtado, III, as compensation for injuries and damages sustained.

Section 3. The amount paid by Miami-Dade County 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 to James D. Feurtado, III. The total amount paid for attorney’s fees, lobbying fees, costs, and similar expenses relating to this claim may not exceed 15 percent of the first \$1,000,000 awarded under this act and 10 percent of the remainder awarded under this act, for a total of \$165,000. However, taxable costs, which may not include attorney’s fees and lobbying fees, related to the underlying civil action may be collected in addition to the \$165,000.

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

Approved by the Governor March 29, 2012.

Filed in Office Secretary of State March 29, 2012.