

HB 799

2006
CS

CHAMBER ACTION

1 The Claims Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5
6 A bill to be entitled

7 An act for the relief of Norka Laureiro by Miami-Dade
8 County; authorizing and directing Miami-Dade County to
9 compensate Norka Laureiro for injuries sustained as a
10 result of a collision caused by a Miami-Dade County bus;
11 providing an effective date.

12
13 WHEREAS, on March 25, 1998, Norka Laureiro was transporting
14 children in a private school van when she approached an
15 intersection, and

16 WHEREAS, a Miami-Dade County bus ran a stop sign at the
17 intersection and collided with Ms. Laureiro's van, which caused
18 serious injuries to Ms. Laureiro and several children, and

19 WHEREAS, the driver of the Miami-Dade County bus had a
20 significant history of driving citations and safety violations,
21 and

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22 WHEREAS, as a result of the collision, Ms. Laureiro
23 suffered a crushing blow to her head which caused bone and nerve
24 damage and she underwent reconstructive surgery, and

25 WHEREAS, as a result of the collision, Ms. Laureiro has
26 permanent numbness on the right side of her face due to damaged
27 cranial nerves, and

28 WHEREAS, Ms. Laureiro also suffered permanent injury to her
29 Achilles tendon, several fractures to her right leg, and a
30 subtalar joint dislocation to her right foot which required two
31 major orthopedic surgeries, and

32 WHEREAS, because of the extent of the break to and
33 fragmentation of the bone in her foot, surgery could not achieve
34 complete alignment, and

35 WHEREAS, due to the resulting extensive arthritis and
36 progressive nature of her injury, Ms. Laureiro is unable to use
37 her foot normally, will need additional surgeries in the future,
38 experiences swelling of the foot, is in constant pain, and, as a
39 result, limps when she walks, which causes additional pain in
40 her hips, back, and legs, and

41 WHEREAS, since the accident, Ms. Laureiro has been under
42 the care of a neurologist for the nerve damage to her foot, leg,
43 and face and has also been on antidepressants since the
44 collision, and

45 WHEREAS, before the accident, Ms. Laureiro owned her own
46 business that involved driving children to and from school 5
47 days a week, but due to the nature of her foot injury, she is
48 unable to continue her driving business and has not worked since
49 the accident, and

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50 WHEREAS, on September 3, 2003, a jury from the Miami-Dade
51 County Circuit Court returned a verdict in favor of Norka
52 Laureiro in the sum of \$1,550,685.38 and \$50,000 in favor of
53 Norka Laureiro's husband, Fredy Laureiro, for his loss of
54 consortium, and

55 WHEREAS, Defendant Miami-Dade County appealed the verdict
56 to the Third District Court of Appeal, and while the appeal was
57 pending, the parties resubmitted the case to mediation and
58 reached a settlement of \$1 million, and

59 WHEREAS, on March 29, 2005, the Circuit Court of the
60 Eleventh Judicial Circuit issued a final consent judgment
61 against Miami-Dade County in favor of Norka Laureiro in the sum
62 of \$1 million, and

63 WHEREAS, \$900 has already been paid pursuant to the limits
64 of liability set forth in section 768.28, Florida Statutes, NOW,
65 THEREFORE,

66

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

68

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

71 Section 2. Miami-Dade County is authorized and directed to
72 appropriate from funds of the county not otherwise appropriated
73 and to draw a warrant payable to Norka Laureiro in the amount of
74 \$999,100 for injuries and damages she sustained due to the
75 negligence of Miami-Dade County.

76 Section 3. This act shall take effect upon becoming a law.