

By the Committee on Community Affairs; and Senator Diaz de la Portilla

578-2434-07

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A bill to be entitled

An act relating to Miami-Dade County; providing for the relief of Norka Laureiro; authorizing and directing Miami-Dade County to compensate Norka Laureiro for injuries sustained as a result of a collision caused by a Miami-Dade County bus; providing for a limitation on payment of fees and costs; providing an effective date.

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

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

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

WHEREAS, as a result of the collision, Ms. Laureiro suffered a crushing blow to her head which caused bone and nerve damage, and she underwent reconstructive surgery; however, Ms. Laureiro has permanent numbness on the right side of her face due to damaged cranial nerves, and

WHEREAS, Ms. Laureiro also suffered permanent injury to her Achilles tendon, several fractures to her right leg, and a subtalar joint dislocation to her right foot which required two major orthopedic surgeries, and because of the extent of the break to and fragmentation of the bone in her foot, surgery could not achieve complete alignment, and

1 WHEREAS, due to the resulting extensive arthritis and
2 progressive nature of the injury, Ms. Laureiro is unable to
3 use her foot normally, she will need additional surgeries in
4 the future, her foot swells, she is in constant pain, and, as
5 a result, Ms. Laureiro limps when she walks, which causes
6 additional pain in her hips, back, and legs, and

7 WHEREAS, since the accident, Ms. Laureiro has been
8 under the care of a neurologist for the nerve damage to her
9 foot, leg, and face and she has also been on antidepressants
10 since the collision, and

11 WHEREAS, before the accident, Ms. Laureiro owned her
12 own business that involved driving children to and from school
13 5 days a week, but due to the nature of her foot injury, she
14 is unable to continue her driving business, and she has not
15 worked since the accident, and

16 WHEREAS, on September 3, 2003, a jury from the
17 Miami-Dade County Circuit Court returned a verdict in favor of
18 Ms. Laureiro in the sum of \$1,550,685.38 and \$50,000 in favor
19 of Ms. Laureiro's husband, Fredy Laureiro, for his loss of
20 consortium, and

21 WHEREAS, Miami-Dade County appealed the verdict to the
22 Third District Court of Appeal, and while the appeal was
23 pending, the parties re-mediated the case and reached a
24 settlement of \$1 million, and

25 WHEREAS, on March 29, 2005, the Circuit Court of the
26 Eleventh Judicial Circuit issued a final consent judgment
27 against Miami-Dade County in favor of Ms. Laureiro in the sum
28 of \$1 million, NOW, THEREFORE,

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30 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. The facts stated in the preamble to this
2 act are found and declared to be true.

3 Section 2. Miami-Dade County is authorized and
4 directed to appropriate from funds of the county not otherwise
5 appropriated and to draw a warrant payable to Norka Laureiro
6 in the amount of \$999,100 for injuries and damages sustained
7 due to the negligence of the Miami-Dade County bus driver.

8 Section 3. This award is intended to provide the sole
9 compensation for any and all present and future claims arising
10 out of the factual situation in connection with the injury to
11 Norka Laureiro. Not more than 25 percent of the award may be
12 paid by the claimant for attorney's fees, lobbying fees, costs
13 or other similar expenses.

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

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17 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
18 COMMITTEE SUBSTITUTE FOR
19 Senate Bill 80

20 The CS makes the following changes:

21 Reduces the amount of the claim bill from \$1 million to
22 \$999,100.

23 Provides a limitation on payment of fees and costs.
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