

By Senator Aronberg

27-00157-08

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1 A bill to be entitled

2 An act relating to Miami-Dade County; providing for the  
3 relief of Schneidine Theogene, a minor, by and through her  
4 parent and natural guardian, Jeanne Coicou, to compensate  
5 Schneidine for injuries sustained as a result of the  
6 negligence of a Miami-Dade County bus driver; providing  
7 for an appropriation; providing a limitation on the  
8 payment of fees and costs; providing an effective date.  
9

10 WHEREAS, on November 24, 2004, in Miami-Dade County, Jeanne  
11 Coicou was driving her minivan, which was occupied by her 7-year-  
12 old daughter, Schneidine Theogene, and three other occupants,  
13 when the operator of a Miami-Dade County bus failed to stop at a  
14 red light causing the bus to collide into the minivan, and

15 WHEREAS, because of the force of the collision and the crash  
16 dynamics, Schneidine was ejected from the minivan and sustained  
17 brain damage, rib fractures, and jaw fractures along with other  
18 catastrophic and life-altering injuries even though she was  
19 wearing a seatbelt, and

20 WHEREAS, Schneidine underwent various surgical procedures  
21 and remained hospitalized at Jackson Memorial Hospital and  
22 Jackson Memorial Rehabilitation Center for approximately 10  
23 weeks, and

24 WHEREAS, Schneidine Theogene's medical expenses totaled  
25 \$482,454.06, and

26 WHEREAS, Schneidine suffered substantial economic damages  
27 relating to past and future care as well as vocational losses due  
28 to her severe injuries, and

29 WHEREAS, Thomas Gamboa, Ph.D., an economist, determined that

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30 Schneidine's future economic losses ranged from \$27 million to  
31 \$36 million, and

32 WHEREAS, the parties reached a settlement agreement by  
33 mediation in which Miami-Dade County agreed to pay \$100,000 and  
34 its insurance companies agreed to pay \$4 million, and

35 WHEREAS, Miami-Dade County also agreed to a claim bill in  
36 the amount of \$2.4 million to conclude the total settlement, NOW,  
37 THEREFORE,

38

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

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

43 Section 2. Miami-Dade County is authorized and directed to  
44 appropriate from funds of the county not otherwise encumbered and  
45 draw a warrant in the sum of \$2.4 million, payable to Jeanne  
46 Coicou, parent and natural guardian of Schneidine Theogene. After  
47 payment of any outstanding liens and attorney's fees, costs, and  
48 lobbying fees as provided in section 3, the remainder shall be  
49 placed in a Special Needs Trust created for the exclusive use and  
50 benefit of Schneidine Theogene, a minor, as compensation for  
51 injuries and damages sustained due to the negligence of a bus  
52 driver employed by Miami-Dade County.

53 Section 3. This award is intended to provide the sole  
54 compensation for all present and future claims arising out of the  
55 factual situation described in this act which resulted in the  
56 injuries to Schneidine Theogene. The total amount paid for  
57 attorney's fees, lobbying fees, costs, and other similar expenses  
58 relating to this claim may not exceed 25 percent of the amount

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59 awarded under this act.

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