

HB 1075

2011

1                   A bill to be entitled  
2           An act for the relief of Monica Cantillo Acosta and Luis  
3           Alberto Cantillo Acosta, surviving children of Nhora  
4           Acosta by Miami-Dade County; providing for an  
5           appropriation to compensate them for the wrongful death of  
6           their mother, Nhora Acosta, due to injuries sustained as a  
7           result of the negligence of a Miami-Dade County bus  
8           driver; providing a limitation on the payment of fees and  
9           costs; providing an effective date.

10

11           WHEREAS, on November 12, 2004, at approximately 4:16 p.m.  
12           in Miami-Dade County, Nhora Acosta entered Miami-Dade County bus  
13           #04142 at a stop on S.W. 8th Street in Miami, Florida, paid the  
14           driver, and was trying to find a seat on the crowded bus, and

15           WHEREAS, while Nhora Acosta walked toward the rear of the  
16           bus in search of a seat, the bus driver ignored her safety and  
17           failed to appropriately anticipate the stop-and-go traffic  
18           patterns on the busy street. As a result, the bus driver  
19           accelerated so quickly that in order to avoid a collision with  
20           another vehicle, he suddenly slammed on the brakes which caused  
21           Nhora Acosta to fall and strike her head on an interior portion  
22           of the bus, and

23           WHEREAS, because of the sudden change in velocity and the  
24           violent force upon which Nhora Acosta struck her head within the  
25           bus interior, she suffered a severe closed head injury and  
26           massive brain damage, including a right subdural hemorrhage, a  
27           left dural hemorrhage, diffused cerebral edema, and basilar  
28           herniations, and

29 WHEREAS, Nhora Acosta was rushed to the trauma  
 30 resuscitation bay at Jackson Memorial Hospital in a comatose  
 31 state, placed on a ventilator, underwent various procedures to  
 32 no avail, and was pronounced dead at 2:05 p.m. the next day, and

33 WHEREAS, Nhora Acosta was a 54-year-old single mother of  
 34 two children, Monica Cantillo Acosta and Luis Alberto Cantillo  
 35 Acosta, who were raised exclusively by their mother, and because  
 36 of her death, her children were left orphaned, and

37 WHEREAS, Monica Cantillo Acosta and Luis Alberto Cantillo  
 38 Acosta loved their mother and only parent dearly and have  
 39 suffered enormous, intense mental pain and suffering due to  
 40 their mother's untimely death, and have further lost the  
 41 support, love, guidance, and consortium of their only parent,  
 42 Nhora Acosta, as a result of the negligence of the Miami-Dade  
 43 bus driver, and

44 WHEREAS, on November 5, 2007, a Miami-Dade County jury  
 45 rendered a verdict and found the Miami-Dade County bus driver  
 46 100 percent negligent and responsible for the wrongful death of  
 47 Nhora Acosta, and determined the damages of Monica Cantillo  
 48 Acosta and Luis Alberto Cantillo Acosta to be \$3 million each,  
 49 NOW, THEREFORE,

50  
 51 Be It Enacted by the Legislature of the State of Florida:

52  
 53 Section 1. The facts stated in the preamble to this act  
 54 are found and declared to be true.

55 Section 2. Miami-Dade County is authorized and directed to  
 56 appropriate from funds of the county not otherwise appropriated

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57 and to draw a warrant in the sum of \$3 million, payable to  
58 Monica Cantillo Acosta, and a warrant in the sum of \$3 million,  
59 payable to Luis Alberto Cantillo Acosta, as compensation for the  
60 wrongful death of their mother, Nhora Acosta.

61 Section 3. The amounts awarded under this act are intended  
62 to provide the sole compensation for all present and future  
63 claims arising out of the factual situation described in this  
64 act which resulted in the death of Nhora Acosta. The total  
65 amount paid for attorney's fees, lobbying fees, costs, and other  
66 similar expenses relating to this claim may not exceed 25  
67 percent of the total amount awarded under this act.

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