

By Senator Bogdanoff

33-00067-11

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1 A bill to be entitled

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

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

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

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

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

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

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

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

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

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

56 Section 2. Miami-Dade County is authorized and directed to  
57 appropriate from funds of the county not otherwise appropriated  
58 and to draw a warrant in the sum of \$3 million, payable to

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

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

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