



**STORAGE NAME:** h1485.CVJS

**DATE:** 2/15/2012

### Florida House of Representatives Summary Claim Bill Report

**Bill #:** HB 1485; Relief/Monica Cantillo Acosta and Luis Alberto Cantillo Acosta/Miami-Dade County

**Sponsor:** Representative Steube

**Companion Bill:** SB 50 by Senator Bogdanoff

**Special Master:** Tom Thomas

#### Basic Information:

<b>Claimants:</b>	Monica Cantillo Acosta and Luis Alberto Cantillo Acosta
<b>Respondent:</b>	Miami-Dade County
<b>Amount Requested:</b>	\$940,000
<b>Type of Claim:</b>	Local equitable claim; result of a settlement agreement.
<b>Respondent's Position:</b>	Miami-Dade County supports the claim bill in the amount of \$940,000.
<b>Collateral Sources:</b>	None reported.
<b>Attorney's/Lobbying Fees:</b>	The claimant's attorney provided an affidavit stating that the attorney's fees will be capped at 25% of the total claim award in accordance with s. 768.28(8), F.S., and that the lobbyist's fees, if any, will be included in the 25% fee cap.
<b>Prior Legislative History:</b>	House Bill 1075 by Representative Steube and Senate Bill 60 by Senator Bogdanoff were filed during the 2011 Legislative Session. Neither bill was ever heard in any committee.

**Procedural Summary:** A civil suit was filed in the Eleventh Judicial Circuit in and for Miami-Dade County. After trial, the jury returned a verdict in favor of the plaintiffs on November 5, 2007, finding Miami-Dade County bus driver 100 percent negligent and responsible for the wrongful death of Nhora Acosta, and determined the damages of Monica Cantillo Acosta and Luis Alberto Cantillo Acosta to be \$3 million each. The defendant appealed the jury verdict, however, the parties entered into a settlement agreement while the appeal was pending. The settlement calls for \$200,000 to be paid immediately in accordance with the statutory limits of liability in s. 768.28, Florida Statutes, and support for a claim bill in the amount of \$940,000.

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**Facts of Case:** On November 12, 2004, at approximately 4:16 p.m. in Miami-Dade County, Nhora Acosta entered Miami-Dade County bus #04142 at a stop on S.W. 8th Street in Miami, Florida, paid the driver, and was trying to find a seat on the crowded bus. While Ms. Acosta walked toward the rear of the bus in search of a seat, the bus driver accelerated in order to avoid a collision with another vehicle. The driver then then hit the brakes, causing Ms. Acosta to fall and strike her head on an interior portion of the bus. Because of the force upon which Ms. Acosta struck her head within the bus interior, she suffered a severe closed head injury and massive brain damage, including a right subdural hemorrhage, a left dural hemorrhage, diffused cerebral edema, and basilar herniations. Ms. Acosta was rushed to the trauma resuscitation bay at Jackson Memorial Hospital in a comatose state, was placed on a ventilator, underwent various procedures to no avail, and was pronounced dead at 2:05 p.m. the next day.

Ms. Acosta was a 54-year-old single mother of two children, Monica Cantillo Acosta and Luis Alberto Cantillo Acosta, who were raised exclusively by their mother. At the time of the accident, Monica was 21 years old and Luis was 16 years old.

**Recommendation:** The bill should be amended to reflect the settlement amount of \$940,000. I respectfully recommend House Bill 1485 be reported **FAVORABLY**, as amended.

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Tom Thomas, Special Master

Date: February 9, 1012

cc: Representative Steube, House Sponsor  
Senator Bogdanoff, Senate Sponsor  
Judge John G. Van Laningham, Senate Special Master