

By the Committee on Rules; and Senator Bogdanoff

595-04184-12

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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, was placed on a ventilator, underwent various procedures
33 to no avail, and was pronounced dead at 2:05 p.m. the next day,
34 and

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

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

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

51 WHEREAS, the parties have subsequently settled this matter
52 for \$1,140,000, and Miami-Dade County has paid the claimants
53 \$200,000 under the statutory limits of liability set forth in s.
54 768.28, Florida Statutes, NOW, THEREFORE,

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

57
58 Section 1. The facts stated in the preamble to this act are

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59 found and declared to be true.

60 Section 2. Miami-Dade County is authorized and directed to
61 appropriate from funds of the county not otherwise appropriated
62 and to draw a warrant in the sum of \$470,000, payable to Monica
63 Cantillo Acosta, and a warrant in the sum of \$470,000, payable
64 to Luis Alberto Cantillo Acosta, as compensation for the
65 wrongful death of their mother, Nhora Acosta.

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

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