

CS/HB 1413

2013

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 accelerated in order to
18 avoid a collision with another vehicle and then braked suddenly,
19 which caused Nhora Acosta to fall and strike her head on an
20 interior portion of the bus, and

21 WHEREAS, because of the force with which Nhora Acosta
22 struck her head within the bus interior, she suffered a severe
23 closed head injury and massive brain damage, including a right
24 subdural hemorrhage, a left dural hemorrhage, diffused cerebral
25 edema, and basilar herniations, and

26 WHEREAS, Nhora Acosta was rushed to the trauma
27 resuscitation bay at Jackson Memorial Hospital in a comatose
28 state, was placed on a ventilator, underwent various procedures

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29 | to no avail, and was pronounced dead at 2:05 p.m. the next day,
 30 | and

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

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

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

48 | WHEREAS, the parties have subsequently settled this matter
 49 | for \$1,140,000, and Miami-Dade County has paid the claimants
 50 | \$200,000 under the statutory limits of liability set forth in s.
 51 | 768.28, Florida Statutes, NOW, THEREFORE,

52 |

53 | Be It Enacted by the Legislature of the State of Florida:

54 |

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

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

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

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