

By Senator Legg

17-00138-14

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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 Nhora Acosta entered Miami-Dade County bus number 04142 at a
14 stop on S.W. 8th Street in Miami, paid the driver, and tried to
15 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, ignoring her safety and
18 failing to appropriately anticipate the stop-and-go traffic
19 patterns on the busy street, accelerated so quickly that, in
20 order to avoid a collision with another vehicle, he suddenly
21 slammed on the brakes, and

22 WHEREAS, the sudden change in velocity caused Nhora Acosta
23 to fall and strike her head on an interior portion of the bus,
24 and

25 WHEREAS, as a result of the fall, Nhora Acosta suffered a
26 severe closed head injury and massive brain damage, including a
27 right subdural hemorrhage, a left dural hemorrhage, diffused
28 cerebral edema, and basilar herniations, and

29 WHEREAS, Nhora Acosta was rushed to the trauma

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30 resuscitation bay at Jackson Memorial Hospital in a comatose
31 state, was placed on a ventilator, underwent various procedures
32 to no avail, and was pronounced dead at 2:05 p.m. the next day,
33 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 had been raised exclusively by their mother, and
37 because 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 intense mental pain due to their mother's untimely
41 death, and

42 WHEREAS, Monica Cantillo Acosta and Luis Alberto Cantillo
43 Acosta have also lost the support, love, and guidance of their
44 only parent, Nhora Acosta, as a result of the negligence of the
45 Miami-Dade bus driver, and

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

52 WHEREAS, the parties have subsequently settled this matter
53 for \$1,140,000, and Miami-Dade County has paid the claimants
54 \$200,000 under the statutory limits of liability set forth in s.
55 768.28, Florida Statutes, NOW, THEREFORE,

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

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59 Section 1. The facts stated in the preamble to this act are
60 found and declared to be true.

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

67 Section 3. The amount paid by the Miami-Dade County
68 pursuant to s. 768.28, Florida Statutes, and the amounts awarded
69 under this act are intended to provide the sole compensation for
70 all present and future claims arising out of the factual
71 situation described in this act which resulted in the death of
72 Nhora Acosta. The total amount paid for attorney fees, lobbying
73 fees, costs, and other similar expenses relating to this claim
74 may not exceed 25 percent of the total amount awarded under this
75 act.

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