

ENROLLED

CS/HB 3549

2015 Legislature

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2 An act for the relief of Monica Cantillo Acosta and
3 Luis Alberto Cantillo Acosta, the surviving children
4 of Nhora Acosta, by Miami-Dade County; providing for
5 an appropriation to compensate them for the wrongful
6 death of their mother, Ms. 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 2:28 p.m.,
13 Nhora Acosta entered Miami-Dade County bus number 04142 at a
14 stop on SW 8th Street in Miami, paid the driver, and tried to
15 find a seat on the crowded bus, and

16 WHEREAS, while Ms. Acosta walked toward the rear of the bus
17 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 Ms. Acosta to
23 fall and strike her head on an interior portion of the bus, and

24 WHEREAS, as a result of the fall, Ms. Acosta suffered a
25 severe closed head injury and massive brain damage, including a
26 right subdural hemorrhage, a left dural hemorrhage, diffused

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27 cerebral edema, and basilar herniations, and

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

32 WHEREAS, Ms. Acosta was a 54-year-old single mother of two
 33 children, Monica and Luis, who had been raised exclusively by
 34 their mother, and because of her death, her children were left
 35 orphaned, and

36 WHEREAS, Monica and Luis loved their mother, their only
 37 parent, dearly and have lost her support, love, and guidance and
 38 have suffered intense mental pain due to her untimely death, as
 39 a result of the negligence of the Miami-Dade bus driver, and

40 WHEREAS, on November 5, 2007, a Miami-Dade County jury
 41 rendered a verdict and found the Miami-Dade County bus driver
 42 100 percent negligent and responsible for the wrongful death of
 43 Ms. Acosta, and determined the damages of Monica and Luis to be
 44 \$3 million each, and

45 WHEREAS, the parties have subsequently settled this matter
 46 for \$1.14 million, and Miami-Dade County has paid the claimants
 47 \$200,000 under the statutory limits of liability set forth in s.
 48 768.28, Florida Statutes, NOW, THEREFORE,

49
 50 Be It Enacted by the Legislature of the State of Florida:

51
 52 Section 1. The facts stated in the preamble to this act

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53 are found and declared to be true.

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

60 Section 3. The amount paid by Miami-Dade County pursuant
61 to s. 768.28, Florida Statutes, and the amounts awarded under
62 this act are intended to provide the sole compensation for all
63 present and future claims arising out of the factual situation
64 described in this act which resulted in the death of Ms. Acosta.
65 The total amount paid for attorney fees, lobbying fees, costs,
66 and other similar expenses relating to this claim may not exceed
67 25 percent of the total amount awarded under this act.

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