

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 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 upon 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

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.

PCS for HB 1485

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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's fees, lobbying fees, costs, and other  
68 similar expenses relating to this claim may not exceed 15  
69 percent of the total amount awarded under this act.

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