

Senate Bill No. 56

An act relating to Miami-Dade County; providing for the relief of Schneidine Theogene, a minor, by and through her parent and natural guardian, Jeanne Coicou, to compensate Schneidine for injuries sustained as a result of the negligence of a Miami-Dade County bus driver; providing for an appropriation; providing a limitation on the payment of fees and costs; providing an effective date.

WHEREAS, on November 24, 2004, in Miami-Dade County, Jeanne Coicou was driving her minivan, which was occupied by her 7-year-old daughter, Schneidine Theogene, and three other occupants, when the operator of a Miami-Dade County bus failed to stop at a red light causing the bus to collide into the minivan, and

WHEREAS, because of the force of the collision and the crash dynamics, Schneidine was ejected from the minivan and sustained brain damage, rib fractures, and jaw fractures along with other catastrophic and life-altering injuries even though she was wearing a seatbelt, and

WHEREAS, Schneidine underwent various surgical procedures and remained hospitalized at Jackson Memorial Hospital and Jackson Memorial Rehabilitation Center for approximately 10 weeks, and

WHEREAS, Schneidine Theogene's medical expenses totaled \$482,454.06, and

WHEREAS, Schneidine suffered substantial economic damages relating to past and future care as well as vocational losses due to her severe injuries, and

WHEREAS, Thomas Gamboa, Ph.D., an economist, determined that Schneidine's future economic losses ranged from \$27 million to \$36 million, and

WHEREAS, the parties reached a settlement agreement by mediation in which Miami-Dade County agreed to pay \$100,000 and its insurance companies agreed to pay \$4 million, and

WHEREAS, Miami-Dade County also agreed to a claim bill in the amount of \$2.4 million to conclude the total settlement, NOW, THEREFORE,

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

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

Section 2. Miami-Dade County is authorized and directed to appropriate from funds of the county not otherwise encumbered and draw a warrant in the sum of \$2.4 million, payable to Jeanne Coicou, parent and natural guardian of Schneidine Theogene. After payment of any outstanding liens and attorney's fees, costs, and lobbying fees as provided in section 3, the

remainder shall be placed in a Special Needs Trust created for the exclusive use and benefit of Schneidine Theogene, a minor, as compensation for injuries and damages sustained due to the negligence of a bus driver employed by Miami-Dade County.

Section 3. This award is intended to provide the sole compensation for all present and future claims arising out of the factual situation described in this act which resulted in the injuries to Schneidine Theogene. The total amount paid for attorney's fees, lobbying fees, costs, and other similar expenses relating to this claim may not exceed 25 percent of the amount awarded under this act.

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

Approved by the Governor May 19, 2008.

Filed in Office Secretary of State May 19, 2008.