

## CHAPTER 2015-217

### Committee Substitute for House Bill No. 3549

An act for the relief of Monica Cantillo Acosta and Luis Alberto Cantillo Acosta, the surviving children of Nhora Acosta, by Miami-Dade County; providing for an appropriation to compensate them for the wrongful death of their mother, Ms. Acosta, due to injuries sustained as a result of the negligence of a Miami-Dade County bus driver; providing a limitation on the payment of fees and costs; providing an effective date.

WHEREAS, on November 12, 2004, at approximately 2:28 p.m., Nhora Acosta entered Miami-Dade County bus number 04142 at a stop on SW 8th Street in Miami, paid the driver, and tried to find a seat on the crowded bus, and

WHEREAS, while Ms. Acosta walked toward the rear of the bus in search of a seat, the bus driver, ignoring her safety and failing to appropriately anticipate the stop-and-go traffic patterns on the busy street, accelerated so quickly that, in order to avoid a collision with another vehicle, he suddenly slammed on the brakes, and

WHEREAS, the sudden change in velocity caused Ms. Acosta to fall and strike her head on an interior portion of the bus, and

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

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

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

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

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

WHEREAS, the parties have subsequently settled this matter for \$1.14 million, and Miami-Dade County has paid the claimants \$200,000 under the

statutory limits of liability set forth in s. 768.28, Florida Statutes, 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 appropriated and to draw a warrant in the sum of \$470,000, payable to Monica Cantillo Acosta, and a warrant in the sum of \$470,000, payable to Louis Alberto Cantillo Acosta, as compensation for the wrongful death of their mother, Nhora Acosta.

Section 3. The amount paid by Miami-Dade County pursuant to s. 768.28, Florida Statutes, and the amounts awarded under this act are 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 death of Ms. Acosta. The total amount paid for attorney fees, lobbying fees, costs, and other similar expenses relating to this claim may not exceed 25 percent of the total amount awarded under this act.

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

Approved by the Governor June 11, 2015.

Filed in Office Secretary of State June 11, 2015.