

By Senator Rodriguez

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A bill to be entitled

An act for the relief of the Estate of Oscar Cabrera and Stephanie Cabrera, as personal representative and surviving widow, by Miami-Dade County; providing an appropriation to compensate the Estate of Oscar Cabrera and Stephanie Cabrera for damages due to the wrongful death of Mr. Cabrera as a result of the negligence of Miami-Dade County; providing a limitation on compensation and the payment of attorney fees; providing an effective date.

WHEREAS, on February 8, 2017, Oscar Cabrera was employed as a carpenter by a concrete construction company building the new All Aboard Florida/Brightline terminal project in downtown Miami and tracks to be located at 600 N.W. 1st Avenue in Miami, and

WHEREAS, the Brightline terminal in Miami, known as MiamiCentral, was designed to be near multiple Miami-Dade County transit systems, including the Metromover via the Wilkie D. Ferguson, Jr. Metromover Station, located at 90 N.W. 5th Street in Miami, and

WHEREAS, the Metromover is an elevated, electronically powered, fully automated people-mover system that does not require an operator and connects 21 stations within 3 loops in and around downtown Miami, and

WHEREAS, in February 2017, the Metromover operated from early morning to late at night, 7 days a week, every 3 minutes during off-peak hours, and

WHEREAS, Miami-Dade County owned, controlled, operated, and maintained the Metromover trains, tracks, and stations, and

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WHEREAS, because of the close proximity of the downtown Brightline project and the Ferguson Metromover Station, and due to the potential for danger to the workers presented by the operation of the automated Metromover trains through the construction site, Miami-Dade County, as the owner-operator of the Metromover system, implemented a series of standard operating procedures for the safety of the construction workers, and

WHEREAS, construction workers were not to be within a zone of 30 feet of the Metromover line when it was in operation, and

WHEREAS, Miami-Dade County was responsible for halting the operation of the Metromover cars when construction workers were within the 30-foot perimeter zone, and

WHEREAS, Miami-Dade County was responsible for timely and accurate communication with the construction companies as to when the Metromover was placed out of operation and when work could safely begin and end each night, and

WHEREAS, on February 8, 2017, at approximately 12:30 a.m., a construction company supervisor was called by the designated Miami-Dade County employee who advised that the Metromover cars had ended their service for the night and the construction workers could safely commence work, and

WHEREAS, shortly thereafter, Mr. Cabrera and a coworker were told by their supervisor that they were cleared to begin work, and

WHEREAS, Mr. Cabrera and the coworker entered the bucket of an aerial lift to work on the Brightline track over the eastbound Metromover track adjacent to the Ferguson Metromover Station, and

WHEREAS, Mr. Cabrera was strapped into the bucket, wearing

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his safety helmet, and operating the lift, and

WHEREAS, at approximately 12:48 a.m., Mr. Cabrera and the coworker were engaged in their work on the Brightline track, standing in the bucket of the raised aerial lift, which was extended over the Metromover track, and

WHEREAS, despite the Miami-Dade County employee's call to the construction company supervisor indicating that it was safe for work to begin, an empty two-car Metromover train unexpectedly and suddenly appeared, striking the crane with such force that both men were violently ejected from the bucket of the aerial lift, and

WHEREAS, Mr. Cabrera was thrown between 30 and 40 feet onto a pile of construction materials on the ground, his safety harness having torn and failed due to the force of the impact, and

WHEREAS, Mr. Cabrera, through no fault of his own, suffered multiple catastrophic blunt trauma injuries and was rushed by ambulance to the Ryder Trauma Center at Jackson Memorial Hospital in Miami, where resuscitation efforts were unsuccessful and Mr. Cabrera was pronounced dead at approximately 1:24 a.m., and

WHEREAS, the medical examiner subsequently determined the cause of death to be accidental and due to numerous blunt trauma injuries, and

WHEREAS, official investigations by the Miami-Dade Police Department and the Occupational Safety and Health Administration determined that the Miami-Dade County employee assigned to work with Mr. Cabrera's employer in the early morning hours of February 8, 2017, erroneously advised the construction company

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supervisor that there would be no more Metromover traffic for the shift, thereby clearing work to begin within the 30-foot perimeter zone near the Metromover track, when in fact the empty, two-car train that struck the aerial lift Mr. Cabrera occupied was in operation and traveling to another station to be placed out of service for maintenance, and

WHEREAS, as a direct result of the erroneous communication by the Miami-Dade County employee which ultimately led to the death of Mr. Cabrera, Miami-Dade County enacted policy changes that enhanced communication and safety procedures at the worksite, including shutting off power to the Metromover track during construction work so Metromover trains would be

inoperable when workers were within the construction zone, and

WHEREAS, had the electrical power to the Metromover track been shut down at the time of incident that caused Mr. Cabrera's death, the tragedy would not have occurred, and

WHEREAS, Miami-Dade County, by and through its employees, had a duty to reasonably and accurately communicate to the construction companies and their workers when the Metromover system was and was not in operation so that work could safely be conducted at or around the construction site, and

WHEREAS, Miami-Dade County had a duty to use reasonable care in the operation of the Metromover system and to abide by its rules as to shutting down the system when workers were present within the construction zone, and

WHEREAS, Miami-Dade County failed to follow its own standard operating procedures and safety regulations, and

WHEREAS, Miami-Dade County, by and through its employees, breached its duties and responsibilities and was negligent by

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unreasonably failing to convey accurate information to the construction companies working in and around the Metromover tracks, failing to ensure that the Metromover shut-down procedures were followed when workers were within the 30-foot perimeter zone of the Metromover track, and failing to shut down the Metromover while work was being performed near the tracks as had been falsely reported, and

WHEREAS, as result of the negligence of the employees of Miami-Dade County, Mr. Cabrera was killed, and

WHEREAS, in the early morning hours of February 8, 2017, Stephanie Cabrera was asleep when she was awakened by a telephone call at approximately 2 a.m. by a friend of Mr. Cabrera's who advised that her husband had been in a serious work-related accident and he was taken to Jackson Memorial Hospital, and

WHEREAS, Ms. Cabrera was so shaken by the call that she arranged for her sister to drive her to the hospital, where she waited for several hours before medical personnel disclosed to her that her husband had been killed, and

WHEREAS, the Cabrerases had been happily married for 20 years and lived together in their home in Homestead, and

WHEREAS Mr. Cabrera was the loving stepfather of Ms. Cabrera's four daughters, all of whom loved him and two of whom were living with the Cabrerases at the time of Mr. Cabrera's death, and

WHEREAS, Ms. Cabrera had 10 grandchildren when Mr. Cabrera died, all of whom he adored and loved, and

WHEREAS, Ms. Cabrera suffered a profound loss due to the sudden, unexpected, violent, and wrongful death of Mr. Cabrera,

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leaving her with painful, extraordinary, and unresolved grief
and emotional trauma, and

WHEREAS, Mr. Cabrera's employment was the primary source of
income for Ms. Cabrera, and

WHEREAS, Mr. Cabrera's sudden death has caused financial
and severe emotional hardship for Ms. Cabrera, and

WHEREAS, pursuant to s. 768.28, Florida Statutes, Stephanie
Cabrera, as personal representative of the Estate of Oscar
Cabrera, filed suit against Miami-Dade County in the 11th
Judicial Circuit in and for Miami-Dade County, case number 2019-
003339-CA-01, for negligence and the wrongful death of her late
husband, Mr. Cabrera, and

WHEREAS, on November 18, 2025, a Miami-Dade County jury
rendered a verdict in the amount of \$6 million in favor of the
plaintiff, Stephanie Cabrera, et al., and against the defendant,
Miami-Dade County, and

WHEREAS, the verdict included the jury's calculations for
the Estate of Oscar Cabrera regarding the loss of earnings of
Oscar Cabrera and the loss of prospective net accumulations, and
to Stephanie Cabrera, as surviving spouse, as to the value of
the lost support and services of her late husband, past and
future, the loss of his companionship and protection, and the
mental pain and suffering as a result of his tragic death, and

WHEREAS, on December 8, 2025, in accordance with the jury
verdict's findings of negligence and itemized damages, the
circuit court entered a final judgment of \$4.2 million in favor
of Stephanie Cabrera, et al., against Miami-Dade County, and

WHEREAS, Miami-Dade County did not file an appeal, and

WHEREAS, on April 1, 2026, pursuant to chapter 57, Florida

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Statutes, and based on an agreement between the parties, the circuit court entered an agreed order granting plaintiff's motion to tax costs in the amount \$24,441.26, and

WHEREAS, Miami-Dade County has tendered \$200,000 to the Estate of Oscar Cabrera and Stephanie Cabrera, as surviving spouse, in full satisfaction of its liability up to the limits set forth in s. 768.28(5), Florida Statutes, applicable to a claim against a governmental entity arising out of a single incident or occurrence, and

WHEREAS, a judgment debt of \$4,024,441.26 remains unsatisfied by Miami-Dade County owed to the Estate of Oscar Cabrera and Stephanie Cabrera, as surviving spouse, in accordance with the final judgment and agreed cost order, 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 not otherwise encumbered and to draw a warrant in the sum of \$4,024,441.26, payable to Stephanie Cabrera as personal representative for the Estate of Oscar Cabrera for injuries and damages sustained as a result of the death of Oscar Cabrera.

Section 3. The amount paid by Miami-Dade County pursuant to s. 768.28, Florida Statutes, and the amount awarded under this act are intended to provide the sole compensation for all present and future claims against Miami-Dade County arising out

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204 of the factual situation described in this act which resulted in
205 the death of Oscar Cabrera. The total amount paid for attorney
206 fees relating to this claim may not exceed 25 percent of the
207 total amount awarded under this act.

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