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An act relating to the City of Miami Beach;
providing for the relief of Juan A. Garcia,
Jr., and Juan and Barbara Garcia, as natural
parents of Juan A. Garcia, Jr.; providing for
an appropriation to compensate them for
injuries and damages sustained as a result of
the negligence of the City of Miami Beach;
providing an effective date.

WHEREAS, in 1985, the City of Miami Beach had
contracted for the demolition of a pier known as the South
Point Pier, and

WHEREAS, the contractor that performed the demolition
of the South Point Pier failed to properly remove all the
debris remaining from the demolition of the pier, and

WHEREAS, the City of Miami Beach knew that a
substantial quantity of submerged debris lay beneath the
surface of the water after the demolition project, and

WHEREAS, by 1987, the City of Miami's knowledge of the
danger posed by the submerged debris prompted it to solicit
bids for an excavation project with another contractor, and

WHEREAS, in April 1988, the City of Miami Beach entered
into a contract for the cleanup of the submerged debris with a
second contractor, and

WHEREAS, by early 1989, excavation still had not begun
due to a contract dispute which arose between the contractor
and the City of Miami Beach, and

WHEREAS, on February 1, 1989, Juan A. Garcia, Jr., a
seventeen year old student, ran into the surf and dove into
the water off Miami Beach, suffering a paralyzing injury when

1 he struck a piece of submerged debris remaining from the
2 demolition of the South Point Pier, and

3 WHEREAS, the incident that paralyzed Juan A. Garcia,
4 Jr., occurred while the contractor and the City of Miami Beach
5 were trying to resolve their contract dispute, and

6 WHEREAS, Juan A. Garcia, Jr., suffered an axial
7 compression burst fracture of the C-5 and C-6 vertebrae when
8 he dove and hit a piece of submerged debris with the top of
9 his head, and

10 WHEREAS, the injuries sustained by Juan A. Garcia, Jr.,
11 rendered him permanently paralyzed and quadriplegic, and

12 WHEREAS, because of the injuries he sustained in the
13 incident, Juan A. Garcia, Jr., requires extensive medical care
14 and treatment, and

15 WHEREAS, the injuries sustained by Juan A. Garcia, Jr.,
16 formed the basis of legal action brought by Juan A. Garcia,
17 Jr., and his mother, Barbara Garcia, against the City of Miami
18 Beach, and

19 WHEREAS, prior to trial the City of Miami Beach and the
20 plaintiff agreed to a compromise settlement in the amount of
21 \$1,250,000, and

22 WHEREAS, the City of Miami Beach has paid \$200,000 to
23 Juan A. Garcia, Jr., and Juan and Barbara Garcia, pursuant to
24 the limits of liability set forth in s. 768.28, Florida
25 Statutes, and agrees to support a claim bill in the amount of
26 \$1,050,000, NOW, THEREFORE,

27

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

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

1 Section 2. The City of Miami Beach is authorized and
2 directed to appropriate from funds of the city not otherwise
3 appropriated and to draw a warrant in the sum of \$1,050,000
4 payable to Juan A. Garcia, Jr., and Juan and Barbara Garcia,
5 as natural parents of Juan A. Garcia, Jr., as compensation for
6 injuries and damages sustained due to the negligence of the
7 City of Miami Beach.

8 Section 3. This act shall take effect upon becoming a
9 law.

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