

By Senator Turner

36-92-98

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A bill to be entitled

An act providing for the relief of Adela Azcuy,  
for injuries suffered as a result of the  
negligence of Dade County; providing for an  
appropriation; providing an effective date.

WHEREAS, on or about January 22, 1993, Adela Azcuy was  
working in an office located at 567 Australian Way, Miami,  
Dade County, Florida, and

WHEREAS, Metropolitan Dade County was responsible for  
the maintenance and safety of the office and premises located  
at 567 Australian Way, Miami, Dade County, Florida, and

WHEREAS, there was a defect in the floor of said  
premises in that there was a steep slope to the floor which  
caused Adela Azcuy's chair to slide out from underneath her,  
causing her to fall to the ground and sustain personal  
injuries, and

WHEREAS, Metropolitan Dade County had negligently  
failed to maintain said premises in a reasonably safe  
condition, had negligently failed to warn Ms. Azcuy of the  
defect in the floor of the premises, and had negligently  
failed to inspect the premises in a timely fashion, and

WHEREAS, as a direct and proximate result of the  
negligence of the county, Adela Azcuy was injured in and about  
her body and extremities, suffered neck and back injuries, and  
suffered physical handicaps and impaired working ability, and

WHEREAS, as a further direct and proximate result of  
the negligence of the county, Ms. Azcuy incurred medical bills  
for the care and treatment of her injuries, suffered lost  
earnings and reduced earning capacity, and aggravated a

1 preexisting disease or physical defect, and will suffer such  
2 losses and impairment in the future, and

3 WHEREAS, a cause of action was brought in the circuit  
4 court of the 11th Judicial Circuit in and for Dade County,  
5 Florida (Case No. 94-08893 CA 13) and four separate final  
6 judgments have been entered in favor of Adela Azcuy, as  
7 plaintiff, and against Metropolitan Dade County, as defendant,  
8 in the aggregate sum of \$332,519.51 plus interest, as follows:  
9 on April 17, 1995, a final judgment in the amount of  
10 \$256,415.61 plus interest at the rate of 8 percent per annum,  
11 to be paid from the date of the verdict, which was April 12,  
12 1995; on June 1, 1995, an agreed final judgment taxing costs  
13 in the amount of \$4,000 plus interest at the rate of 8 percent  
14 per annum; on July 6, 1995, a final judgment awarding  
15 attorney's fees in the amount of \$64,103.90 plus interest at  
16 the rate of 8 percent per annum; and, on January 22, 1996, an  
17 agreed final judgment taxing appellate attorney's fees in the  
18 amount of \$8,000 plus interest at the rate of 10 percent per  
19 annum, and

20 WHEREAS, in accordance with the provisions of section  
21 768.28, Florida Statutes, waiving sovereign immunity,  
22 Metropolitan Dade County has paid Adela Azcuy the sum of  
23 \$100,000, and

24 WHEREAS, the remaining amount owed to Ms. Azcuy on her  
25 own behalf and for attorney's fees and court costs is  
26 \$232,519.51 plus interest, 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 appropriate financial authority for  
2 Metropolitan Dade County is directed to draw a warrant in  
3 favor of Adela Azcuy and Maguire and Friend, P.A., in the sum  
4 of \$232,519.51 plus accrued interest as prescribed in the  
5 final judgments, in case number 94-08893 CA 13, in favor of  
6 Ms. Azcuy as plaintiff and against Metropolitan Dade County as  
7 defendant.

8           Section 3. This act shall take effect July 1, 1998.

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