

1 A bill to be entitled
2 An act providing for the relief of Adela Azcuy,
3 for injuries suffered as a result of the
4 negligence of Dade County; providing for an
5 appropriation; providing an effective date.
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7 WHEREAS, on or about January 22, 1993, Adela Azcuy was
8 working in an office located at 567 Australian Way, Miami,
9 Dade County, Florida, and

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

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

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

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

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

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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 \$144,000 in case number 94-08893 CA 13, in favor of Ms.
5 Azcuy as plaintiff and against Metropolitan Dade County as
6 defendant.

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

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