

By the Committee on Civil Justice & Claims and
Representative Barreiro

1 A bill to be entitled
2 An act relating to Metropolitan Dade County;
3 providing for the relief of Adela Azcuy;
4 providing for an appropriation to compensate
5 her for injuries and damages sustained as a
6 result of the negligence of Metropolitan Dade
7 County; providing an effective date.

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9 WHEREAS, on January 22, 1993, Adela Azcuy was working
10 in an office located at 567 Australian Way, in Miami, and

11 WHEREAS, on January 22, 1993, the maintenance and
12 safety of the office and premises located at 567 Australian
13 Way was the responsibility of Metropolitan Dade County, and

14 WHEREAS, because there was a defect in the floor of the
15 premises at 567 Australian Way, the defect being a steep slope
16 to the floor of the premises, the chair in which Adela Azcuy
17 was seated was caused to slide from underneath her, causing
18 Adela Azcuy to fall to the ground and sustain serious personal
19 injuries, and

20 WHEREAS, Metropolitan Dade County was negligent and
21 careless in its maintenance of the premises at 567 Australian
22 Way in that it failed to maintain the premises in a reasonably
23 safe condition, failed to warn Adela Azcuy of the defect in
24 the floor of the premises, and failed to inspect the premises
25 in a timely fashion, and

26 WHEREAS, as a direct and proximate result of the
27 negligence of Metropolitan Dade County, Adela Azcuy was
28 injured in and about her body and extremities, suffered neck
29 and back injuries and pain therefrom, suffered physical
30 handicaps, and suffered impaired working ability, and

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1 WHEREAS, as a further direct and proximate result of
2 the negligence of Metropolitan Dade County, Adela Azcuy has
3 incurred medical bills for the care and treatment of injuries
4 sustained, has suffered lost earnings and earning capacity,
5 and has aggravated a known or unknown preexisting disease or
6 physical defect, and

7 WHEREAS, Adela Azcuy's injuries are either permanent or
8 continuing in nature and Adela Azcuy will suffer losses and
9 impairments in the future, and

10 WHEREAS, the injuries sustained by Adela Azcuy formed
11 the basis of legal action brought by Adela Azcuy against
12 Metropolitan Dade County, and

13 WHEREAS, on April 17, 1995, a final judgment was
14 entered in the Circuit Court of the 11th Judicial Circuit in
15 and for Dade County against Metropolitan Dade County and in
16 favor of Adela Azcuy in the amount of \$256,415.61 plus
17 interest from the date of verdict, April 12, 1995, at the rate
18 of 8 percent per annum until satisfaction of the judgment, and

19 WHEREAS, on June 1, 1995, a cost judgment was entered
20 in favor of Adela Azcuy in the sum of \$4,000 plus interest at
21 the rate of 8 percent per annum until satisfaction of the
22 judgment, and

23 WHEREAS, on July 6, 1995, a final judgment awarding
24 attorney's fees was entered in favor of Adela Azcuy in the
25 amount of \$64,103.90 plus interest at the rate of 8 percent
26 per annum until satisfaction of the judgment, and

27 WHEREAS, on January 22, 1996, a final judgment taxing
28 appellate attorney's fees was entered in favor of Adela Azcuy
29 in the sum of \$8,000, to accrue interest at the rate of 10
30 percent per annum until satisfied, and

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1 WHEREAS, the total amount of the judgment in favor of
2 Adela Azcuy is \$332,519.51 plus interest, and

3 WHEREAS, Metropolitan Dade County has paid \$100,000
4 pursuant to section 768.28, Florida Statutes, in partial
5 satisfaction of the final judgment, NOW, THEREFORE,

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

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

11 Section 2. Metropolitan Dade County is authorized and
12 directed to appropriate from funds of the county not otherwise
13 appropriated and to draw a warrant in the sum of \$144,000 in
14 case number 94-08893 CA 13, in favor of Adela Azcuy as
15 plaintiff and against Metropolitan Dade County as defendant.

16 Section 3. This act shall take effect upon becoming a
17 law.