

By Senator Forman

32-9A-98

1 A bill to be entitled
2 An act relating to the City of Miami Beach;
3 providing for the relief of Juan A. Garcia,
4 Jr., and Juan and Barbara Garcia, as natural
5 parents of Juan A. Garcia, Jr.; providing for
6 an appropriation to compensate them for
7 injuries and damages sustained as a result of
8 the negligence of the City of Miami Beach;
9 providing an effective date.

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

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

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

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

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

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

29 WHEREAS, on February 1, 1989, Juan A. Garcia, Jr., a
30 seventeen year old student, ran into the surf and dove into
31 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,

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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 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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