

By Senator Villalobos

38-23-03

1                                   A bill to be entitled  
2           An act relating to the City of Miami Beach;  
3           providing for the relief of Jeffrey Akers;  
4           authorizing and directing the City of Miami  
5           Beach to compensate Mr. Akers for personal  
6           injuries that he suffered due to the negligence  
7           of the City of Miami Beach; providing for  
8           attorney's fees and court costs; providing an  
9           effective date.

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11           WHEREAS, Jeffrey Akers has at all times been a resident  
12 of Dade County, Florida, is over 18 years of age, and is  
13 otherwise sui juris, and

14           WHEREAS, on or about May 19, 1995, Jeffrey Akers was  
15 lawfully on the premises of the Convention Center in the  
16 process of climbing on a ladder attached to the premises as a  
17 permanent fixture or appurtenance, at which time Mr. Akers  
18 fell from the ladder, a distance of approximately 20 feet,  
19 striking the roof-level at the bottom of the ladder, and

20           WHEREAS, Jeffrey Akers was not an employee of the City  
21 of Miami Beach, and

22           WHEREAS, the City of Miami Beach owned the building and  
23 has a reasonable duty to provide proper equipment on the  
24 building, and

25           WHEREAS, the City of Miami Beach was negligent and  
26 careless in the following manner, which proximately caused or  
27 contributed to Mr. Akers' injuries:

- 28           1. Failing to have a safe ladder installed;  
29           2. Violating standards with respect to the height,  
30 design, configuration, and surfaces of the ladder;

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1           3. Failing to provide a ladder that was designed to be  
2 safe when used for its intended purpose;

3           4. Failing to provide additional safety apparatuses  
4 attached to and made a part of the ladder;

5           5. Erecting and constructing the ladder an improper  
6 distance from landing surfaces;

7           6. Failing to provide adequate grip surfaces on the  
8 ladder;

9           7. Failing to have adequately designed handrails on  
10 the ladder; and

11           8. Providing an unstable ladder on the premises, from  
12 which Mr. Akers fell, and

13           WHEREAS, a lawsuit was filed against the City of Miami  
14 Beach and the court entered a final judgment in favor of  
15 Jeffrey Akers in the amount of \$3,317,029.40, and

16           WHEREAS, the City of Miami Beach has paid Jeffrey Akers  
17 \$100,000 pursuant to its obligation under section 768.28,  
18 Florida Statutes, and the remaining excess judgment amount  
19 owed is \$3,217,029.40, NOW, THEREFORE,

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

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

25           Section 2. The City of Miami Beach is authorized and  
26 directed to appropriate from funds of the municipality not  
27 otherwise appropriated and to draw a warrant in the amount of  
28 \$3,217,029.40, which amount includes attorney's fees and  
29 costs, payable to Jeffrey Akers as compensation for injuries  
30 and damages sustained by Mr. Akers as a result of the  
31 negligence of the City of Miami Beach.

1           Section 3. This act shall take effect upon becoming a  
2 law.  
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