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1 A bill to be entitled

2 An act relating to the City of Miami Beach; providing for  
3 the relief of Jeffrey Akers; authorizing and directing the  
4 City of Miami Beach to compensate Jeffrey Akers for  
5 personal injuries that he suffered due to the negligence  
6 of the City of Miami Beach; providing for attorney's fees,  
7 costs, and payment of outstanding medical liens; providing  
8 for reimbursement of Medicaid expenditures; providing an  
9 effective date.

10  
11 WHEREAS, Jeffrey Akers has at all times been a resident of  
12 Miami-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 process  
16 of climbing on a ladder attached to the premises as a permanent  
17 fixture or appurtenance, at which time Jeffrey Akers fell from  
18 the ladder, a distance of approximately 20 feet, striking the  
19 roof level at the bottom of the ladder, and

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

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

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

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



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

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

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

37 6. Failing to provide adequate grip surfaces on the  
38 ladder; 7. Failing to have adequately designed handrails on  
39 the ladder; and

40 8. Providing an unstable ladder on the premises, from  
41 which Jeffrey Akers fell, and

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

45 WHEREAS, the City of Miami Beach has paid Jeffrey Akers  
46 \$100,000 pursuant to its obligation under section 768.28,  
47 Florida Statutes, and the remaining excess judgment amount owed  
48 is \$3,217,029.40, NOW, THEREFORE,

49

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

51

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

54 Section 2. The City of Miami Beach is authorized and  
55 directed to appropriate from funds of the municipality not  
56 otherwise appropriated and to draw a warrant in the sum of  
57 \$3,217,029.40, which amount includes attorney's fees, costs, and  
58 outstanding medical liens, payable to Jeffrey Akers as  
59 compensation for injuries and damages sustained.

60 Section 3. The governmental entity responsible for payment



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61 of the warrant shall pay to the Florida Agency for Health Care  
62 Administration the amount due under section 409.910, Florida  
63 Statutes, before disbursing any funds to the claimant. The  
64 amount due the agency shall be equal to all unreimbursed medical  
65 payments paid by Medicaid on behalf of Jeffrey Akers up to the  
66 date upon which this act becomes a law.

67 Section 4. This act shall take effect upon becoming a law.