



HB 0093

2003
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CHAMBER ACTION

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6 The Committee on Judiciary recommends the following:

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8 **Committee Substitute**

9 Remove the entire bill and insert:

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11 A bill to be entitled
12 An act relating to the City of Miami Beach; providing for
13 the relief of Jeffrey Akers; authorizing and directing the
14 City of Miami Beach to compensate Jeffrey Akers for
15 personal injuries that he suffered due to the negligence
16 of the City of Miami Beach; providing for attorney's fees
17 and payment of outstanding medical liens; providing for
18 reimbursement of Medicaid expenditures; providing an
19 effective date.

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21 WHEREAS, Jeffrey Akers has at all times been a resident of
22 Miami-Dade County, Florida, is over 18 years of age, and is
23 otherwise sui juris, and

24 WHEREAS, on or about May 19, 1995, Jeffrey Akers was
25 lawfully on the premises of the Convention Center in the process
26 of climbing on a ladder attached to the premises as a permanent
27 fixture or appurtenance, at which time Jeffrey Akers fell from



HB 0093

2003
CS

28 | the ladder, a distance of approximately 20 feet, striking the
29 | roof level at the bottom of the ladder, and

30 | WHEREAS, Jeffrey Akers was not an employee of the City of
31 | Miami Beach, and

32 | WHEREAS, the City of Miami Beach owned the building and has
33 | a reasonable duty to provide proper equipment on the building,
34 | and

35 | WHEREAS, the City of Miami Beach was negligent and careless
36 | in the following manner, which proximately caused or contributed
37 | to Jeffrey Akers' injuries:

- 38 | 1. Failing to have a safe ladder installed;
- 39 | 2. Violating standards with respect to the height, design,
40 | configuration, and surfaces of the ladder;
- 41 | 3. Failing to provide a ladder that was designed to be
42 | safe when used for its intended purpose;
- 43 | 4. Failing to provide additional safety apparatuses
44 | attached to and made a part of the ladder;
- 45 | 5. Erecting and constructing the ladder an improper
46 | distance from landing surfaces;
- 47 | 6. Failing to provide adequate grip surfaces on the
48 | ladder;
- 49 | 7. Failing to have adequately designed handrails on the
50 | ladder; and
- 51 | 8. Providing an unstable ladder on the premises, from
52 | which Jeffrey Akers fell, and

53 | WHEREAS, a lawsuit was filed against the City of Miami
54 | Beach and the court entered a final judgment in favor of Jeffrey
55 | Akers in the amount of \$3,317,029.40, and



HB 0093

2003
CS

56 WHEREAS, the City of Miami Beach has paid Jeffrey Akers
57 \$100,000 pursuant to its obligation under section 768.28,
58 Florida Statutes, and the remaining excess judgment amount owed
59 is \$3,217,029.40, NOW, THEREFORE,

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

62

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

65 Section 2. The City of Miami Beach is authorized and
66 directed to appropriate from funds of the municipality not
67 otherwise appropriated and to draw a warrant in the sum of
68 \$3,217,029.40, which amount includes attorney's fees and
69 outstanding medical liens, payable to Jeffrey Akers as
70 compensation for injuries and damages sustained. After the
71 payment required by section 3 is made, all other liens must be
72 satisfied prior to the distribution of funds to Jeffrey Akers.

73 Section 3. The governmental entity responsible for payment
74 of the warrant shall pay to the Florida Agency for Health Care
75 Administration the amount due under section 409.910, Florida
76 Statutes, before disbursing any funds to the claimant. The
77 amount due the agency shall be equal to all unreimbursed medical
78 payments paid by Medicaid on behalf of Jeffrey Akers up to the
79 date upon which this act becomes a law.

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