

STORAGE NAME: HB 1771b.cjc

DATE: April 17, 1997

**Florida House of Representatives
Committee on Civil Justice & Claims
Summary Claim Bill Report**

Bill #: HB 1771

Sponsor(s): Representative Villalobos

References: Civil Justice & Claims

Companion Bill(s): SB 2464 by Senator Forman

A. Basic Information:

- 1. Claimant:** Juan A. Garcia, Jr. (a minor)
- 2. Respondent:** City of Miami Beach
- 3. Amount Requested:** \$1,050,000
- 4. Type of Claim:** EXCESS JUDGMENT CLAIM/CONSENT JUDGMENT
- 5. Respondent's Posture:** The City of Miami Beach has agreed to the settlement
- 6. Collateral Sources:** None apparent
- 7. Prior Legislative History:** None

B. Procedural Summary: Juan A. Garcia and his mother, Barbara Garcia, brought a negligence action against the City of Miami Beach. Prior to trial, the City of Miami Beach and the claimant agreed to a settlement in the amount of \$1,250,000. The Circuit Court of the Eleventh Judicial Circuit, on February 20, 1997, entered a consent judgement in that amount. Pursuant to its statutory obligations under s. 768.28, F.S., the City of Miami Beach has paid \$200,000. HB 1771 would direct the City of Miami Beach to pay the remainder of the judgment.

C. Facts of the Case: In 1985, the City of Miami Beach contracted for the demolition of a pier. The contractor failed to remove all of the debris. The City of Miami engaged another contractor to remove the remaining debris, but work did not proceed due to a contractual dispute. On February 1, 1989, Juan A. Garcia, while swimming off Miami Beach, dove into the water and struck a piece of submerged pier debris. He suffered a fracture of the C-5 and C-6 vertebrae. As a result, Juan A. Garcia has been left permanently paralyzed and quadriplegic.

LRS: _____ **LRD:** _____ **Date:** April 14, 1997
Charles R. Boning Richard Hixson