

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: City Attorney Ricardo J. Dopico
DATE: September 11, 2024
TITLE: CITY ATTORNEY'S STATUS REPORT

RECOMMENDATION

BACKGROUND/HISTORY

ANALYSIS

LAWSUITS FILED BY OR AGAINST THE CITY OF MIAMI BEACH SINCE THE LAST REPORT:

1. **VICKI BELL V. CITY OF MIAMI BEACH, a municipal corporation located within Miami-Dade County, a political sub-division of the State of Florida, and SUPERIOR LANDSCAPING & LAWN SERVICE INC., a Florida Profit Corporation,** Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida, Case No. 2024-013948-CA-22

This case arises from an alleged incident that took place on March 26, 2023, when Plaintiff was walking on the sidewalk "located at or about the northeast corner of Collins Avenue and 13th Street in Miami Beach, Miami-Dade County, Florida" and tripped and fell due to an allegedly "unsafe change in elevation." Plaintiff's two-count Complaint asserts claims for negligence against the City (Count I) and Superior Landscaping & Lawn Service (Count II). The Rogers Law Group represents the Plaintiff in this matter. The Office of the City Attorney will vigorously defend this matter.

2. **MARIANNA PICULA v. CITY OF MIAMI BEACH and FLORIDA DEPARTMENT OF TRANSPORTATION,** Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida, Case No. 2024-013692-CA-15

This matter arises from an alleged incident that took place on February 22, 2023, when Plaintiff "tripped and fell on the uneven/raised portion of the sidewalk" located "along Collins Avenue (A1A), near 18th Street, Miami Beach, Florida." Plaintiff's two-count Complaint asserts claims for negligence against the City (Count I) and the Florida Department of Transportation (Count II). The Law Office of Saban and Solomon represent the Plaintiff. The Office of the City Attorney will vigorously defend this matter.

FISCAL IMPACT STATEMENT

N/A

Does this Ordinance require a Business Impact Estimate?
(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on:
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

FINANCIAL INFORMATION

CONCLUSION

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?

Yes

Is this item related to a G.O. Bond Project?

No

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? No

If so, specify the name of lobbyist(s) and principal(s):

Department

City Attorney

Sponsor(s)

Co-sponsor(s)

Condensed Title

City Attorney's Status Report