

Third District Court of Appeal

State of Florida

Opinion filed July 10, 2019.
Not final until disposition of timely filed motion for rehearing.

No. 3D18-1115
Lower Tribunal No. 15-3595

Blanca De Cardenas Velazco,
Appellant,

vs.

President Supermarket No. 23, Inc., etc.,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Thomas J. Rebull,
Judge.

Billbrough & Marks, P.A., and Geoffrey B. Marks, for appellant.

Hinshaw & Culbertson, LLP, and Maureen G. Percy, for appellee.

Before SCALES, LINDSEY and LOBREE, JJ.

PER CURIAM.

Affirmed. See Lago v. Costco Wholesale Corp., 233 So. 3d 1248, 1250-52
(Fla. 3d DCA 2017); Encarnacion v. Lifemark Hosps. of Fla., 211 So. 3d 275, 278

(Fla. 3d DCA 2017) (“Parenthetically, we note Ms. Encarnacion's belated testimony that the substance on the floor was ‘oily,’ ‘dirty’ and ‘dark,’ even if true, as we must assume for our purposes here, is insufficient to create a jury issue. For such testimony to create a jury issue, the testimony must be accompanied by a ‘plus,’ namely some additional fact or facts from which a jury can reasonably conclude that the substance was on the floor long enough to have become discolored without assuming other facts, such as the substance, in its original condition, was not ‘oily,’ ‘dirty’ and ‘dark.’”).