

# Third District Court of Appeal

## State of Florida

Opinion filed November 13, 2019.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D19-122  
Lower Tribunal No. 12-2379

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**Nilda Garcia,**  
Appellant,

vs.

**Publix Super Markets, Inc.,**  
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Antonio Arzola, Judge.

Law Offices of Alan Anchell, P.A., and Alan C. Anchell (Fort Lauderdale); Burlington & Rockenbach, P.A., and Bard D. Rockenbach and Jeffrey V. Mansell (West Palm Beach), for appellant.

Weiss Serota Helfman Cole & Bierman, P.L., and Edward G. Guedes and Eric S. Kay, for appellee.

Before EMAS, C.J., and SCALES and LOBREE, JJ.

PER CURIAM.

After a fall in a Publix supermarket, appellant Nilda Garcia sued appellee Publix Super Markets, Inc. for negligence, alleging that a liquid substance on an

aisle floor caused her fall. After the jury returned a verdict in favor of Publix, the trial court entered a final judgment for Publix.

We affirm the judgment. We conclude that the trial court did not abuse its discretion: (i) in denying Garcia's request for a special jury instruction. See H & H Electric, Inc. v. Lopez, 967 So. 2d 345, 347 (Fla. 3d DCA 2007); and (ii) in allowing secondary evidence in the form of the testimony of a Publix employee who had viewed the unavailable surveillance video. See England v. State, 940 So. 2d 389, 400-01 (Fla. 2006).

Affirmed.