

CHAPTER 2019-186

Committee Substitute for House Bill No. 6515

An act for the relief of the Estate of Herminio Padilla, Jr., by the City of West Palm Beach, Palm Beach County, the City of Lake Worth, the City of Riviera Beach, and the Town of Palm Beach; providing for an appropriation to compensate his estate for injuries and damages sustained by Herminio Padilla, Jr., as a result of the alleged negligence of the City of West Palm Beach, Palm Beach County, the City of Lake Worth, the City of Riviera Beach, and the Town of Palm Beach; providing a limitation on the payment of attorney fees, lobbying fees, and costs or other similar expenses; providing an effective date.

WHEREAS, on January 17, 2015, Herminio Padilla, Jr., was an employee of the City of West Palm Beach as a wastewater plant operator, and

WHEREAS, shortly after midnight on January 17, 2015, while working at the water reclamation facility, Mr. Padilla was walking on an elevated catwalk over a sewage basin when a grate allegedly and unexpectedly collapsed, causing him to fall into the basin, and

WHEREAS, at the time of this event, no one was present in the area, other than Mr. Padilla, and Mr. Padilla sank in the basin and drowned, and

WHEREAS, the Estate of Herminio Padilla, Jr., filed a lawsuit against his employer, the City of West Palm Beach, who owns and operates the water reclamation facility, as well as Palm Beach County, the City of Lake Worth, the City of Riviera Beach, and the Town of Palm Beach, who have a beneficial interest in the water reclamation facility where the accident occurred, and

WHEREAS, it is alleged that, before the drowning occurred, the City of West Palm Beach as the owner and operator of the water reclamation facility hired an engineering firm to perform a visual inspection of the facility and the firm identified several safety issues that required immediate attention, and

WHEREAS, subsequent to the drowning, the City of West Palm Beach as the owner and operator of the water reclamation facility hired a separate engineering company to perform an analysis of the drowning, which revealed that the grate that collapsed was missing an attachment, causing the grate to slide off the supporting ledge, and

WHEREAS, subsequent to the drowning, an e-mail written by another employee of the facility alleged that complaints about other catwalks at the facility were brought to the attention of the City of West Palm Beach prior to the drowning, and

WHEREAS, on October 17, 2018, the parties participated in mediation, and a settlement in the amount of \$400,000 was reached as a compromise with no defendant admitting liability, of which the City of West Palm Beach, Palm Beach County, the City of Lake Worth, the City of Riviera Beach, and the Town of Palm Beach have collectively paid the statutory limit of \$300,000, and \$100,000 remaining to be paid by the City of West Palm Beach, Palm Beach County, the City of Lake Worth, the City of Riviera Beach, and the Town of Palm Beach collectively upon approval of a claim bill, NOW, THEREFORE,

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

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

Section 2. The City of West Palm Beach, Palm Beach County, the City of Lake Worth, the City of Riviera Beach, and the Town of Palm Beach are authorized and directed to appropriate from funds not otherwise encumbered and to draw warrants in the sums of \$54,091, \$22,727, \$11,363.50, \$7,273, and \$4,545.50, respectively, payable to Stephen P. Padilla, as personal representative of the Estate of Herminio Padilla, Jr., as compensation for injuries and damages sustained.

Section 3. The amounts paid by the City of West Palm Beach, Palm Beach County, the City of Lake Worth, the City of Riviera Beach, and the Town of Palm Beach pursuant to s. 768.28, Florida Statutes, and the amount awarded under this act are intended to provide the sole compensation for all past, present, and future claims arising out of the factual situation alleged in this act which resulted in the death of Herminio Padilla, Jr. Of the amount awarded under this act, the total amount paid for attorney fees may not exceed \$20,000, the total amount paid for lobbying fees may not exceed \$5,000, and the total amount paid for costs or other similar expenses may not exceed \$5,000.

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

Approved by the Governor May 23, 2019.

Filed in Office Secretary of State May 23, 2019.