

HB 67

2009

1 A bill to be entitled
2 An act for the relief of Madonna Castillo, a minor,
3 and Reyna Castillo, individually and as the natural
4 guardian of Madonna Castillo, by the City of Hialeah;
5 providing for an appropriation to compensate them for
6 injuries and damages sustained by Madonna Castillo as
7 a result of the negligence of the City of Hialeah;
8 providing a limitation on the payment of fees and
9 costs; providing an effective date.

10

11 WHEREAS, on July 3, 1998, Madonna Castillo, a minor, was
12 swimming in the public pool at Milander Park in the City of
13 Hialeah, and

14 WHEREAS, the City of Hialeah managed and operated the pool
15 at Milander Park, and

16 WHEREAS, city employees allowed swimmers to race and dive
17 in and around areas of the pool in which others were swimming,
18 and

19 WHEREAS, the lifeguard on duty had abandoned his post, and

20 WHEREAS, while Madonna Castillo was standing in the pool
21 talking to her sister, Madonna Castillo was struck in the eye by
22 another swimmer, and

23 WHEREAS, as a result of the incident, Madonna Castillo
24 suffered total vision loss in her right eye and underwent two
25 surgeries, including the insertion of a microvalve to regulate
26 intraocular pressure, and

27 WHEREAS, Madonna Castillo's injuries will require the
 28 eventual removal of her right eye and the insertion of a
 29 prosthetic eye, and

30 WHEREAS, Reyna Castillo, mother and natural guardian of
 31 Madonna Castillo, is obligated for past and future medical
 32 expenses and losses incurred by her daughter, and

33 WHEREAS, after a jury trial resulting in a verdict in favor
 34 of Madonna and Reyna Castillo, the City of Hialeah initiated
 35 appellate proceedings, and

36 WHEREAS, the parties entered into a settlement agreement,
 37 pursuant to which the City of Hialeah paid to the plaintiffs the
 38 sum of \$200,000 on April 2, 2004, and agreed to support a claim
 39 bill by the Legislature in the amount of \$500,000 in favor of
 40 Reyna Castillo, NOW, THEREFORE,

41

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

43

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

46 Section 2. The City of Hialeah is authorized and directed
 47 to appropriate from funds of the city not otherwise appropriated
 48 and to draw a warrant in the amount of \$500,000, pursuant to the
 49 settlement agreement, to be paid to Reyna Castillo, individually
 50 and as natural guardian of Madonna Castillo, a minor, which is
 51 inclusive of costs and attorney's fees as limited in accordance
 52 with s. 768.28, Florida Statutes, as compensation for the
 53 injuries sustained by Madonna Castillo due to the negligence of
 54 the City of Hialeah.

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55 Section 3. This award is intended to provide the sole
56 compensation for all present and future claims arising out of
57 the factual situation described in this act which resulted in
58 the injuries sustained by Madonna Castillo. The total amount
59 paid for attorney's fees, lobbying fees, costs, and other
60 similar expenses relating to this claim may not exceed 25
61 percent of the amount awarded under this act.

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