

CS/HB 67

2009

1 A bill to be entitled
2 An act for the relief of Madonna Castillo by the City of
3 Hialeah; providing for an appropriation to compensate her
4 for injuries and damages that she sustained as a result of
5 the negligence of the City of Hialeah; providing a
6 limitation on the payment of fees and costs; providing an
7 effective date.

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

12 WHEREAS, the City of Hialeah managed and operated the pool
13 at Milander Park, and

14 WHEREAS, city employees allowed swimmers to be rowdy in and
15 around areas of the pool in which others were swimming, and

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

17 WHEREAS, while Madonna Castillo was standing in the pool
18 talking to her sister, Madonna Castillo was struck in the eye by
19 another swimmer, and

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

24 WHEREAS, Madonna Castillo's injuries will require the
25 eventual removal of her right eye and the insertion of a
26 prosthetic eye, and

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27 WHEREAS, after a jury trial resulting in a verdict in favor
 28 of Madonna Castillo, the City of Hialeah initiated appellate
 29 proceedings, and

30 WHEREAS, the parties entered into a settlement agreement,
 31 pursuant to which, on April 2, 2004, the City of Hialeah paid to
 32 Madonna Castillo and her mother, Reyna Castillo, the sum of
 33 \$100,000 apiece, for a grand total of \$200,000, and agreed to
 34 support a claim bill by the Legislature in the amount of
 35 \$500,000 in favor of Madonna Castillo, NOW, THEREFORE,

36

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

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

41 Section 2. The City of Hialeah is authorized and directed
 42 to appropriate from funds of the city not otherwise appropriated
 43 and to draw a warrant in the amount of \$500,000, pursuant to the
 44 settlement agreement, to be paid to Madonna Castillo, which sum
 45 is inclusive of costs and attorney's fees as limited in
 46 accordance with s. 768.28, Florida Statutes, as compensation for
 47 the injuries sustained by Madonna Castillo due to the negligence
 48 of the City of Hialeah.

49 Section 3. This award is intended to provide the sole
 50 compensation for all present and future claims arising out of
 51 the factual situation described in this act which resulted in
 52 the injuries sustained by Madonna Castillo. The total amount
 53 paid for attorney's fees, lobbying fees, costs, and other
 54 similar expenses relating to this claim may not exceed 25

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55 | percent of the amount awarded under this act.

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