

HB 1155

2010

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.

8
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 the sum of \$200,000, and agreed to support a
 33 claim bill by the Legislature in the amount of \$500,000 in favor
 34 of Madonna Castillo, NOW, THEREFORE,

35
 36 Be It Enacted by the Legislature of the State of Florida:

37
 38 Section 1. The facts stated in the preamble to this act
 39 are found and declared to be true.

40 Section 2. The City of Hialeah is authorized and directed
 41 to appropriate from funds of the city not otherwise appropriated
 42 and to draw ten consecutive annual warrants in the amount of
 43 \$50,000 each, for a total settlement of \$500,000, pursuant to
 44 the settlement agreement, payable to Friedman, Rodman, & Frank
 45 Trust and Madonna Castillo, which sum is inclusive of costs and
 46 attorney's fees as limited in accordance with s. 768.28, Florida
 47 Statutes, as compensation for the injuries sustained by Madonna
 48 Castillo due to the negligence of the City of Hialeah. The first
 49 of the ten annual installments shall be paid on July 1, 2010,
 50 with annual installments to be paid each subsequent year on July
 51 1, concluding with the final installment to be paid on July 1,
 52 2019.

53 Section 3. The amounts paid by the City of Hialeah
 54 pursuant to s. 768.28, Florida Statutes, and the amount awarded

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55 under this act are intended to provide the sole compensation for
56 all present and future claims arising out of the factual
57 situation described in the preamble to this act which resulted
58 in 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.