

HB 463

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

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:

38  
 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.