



254102

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/09/2010	.	
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The Committee on Community Affairs (Deutch) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

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

Section 2. The City of Hialeah is authorized and directed to appropriate from funds of the city not otherwise appropriated and to draw ten consecutive annual warrants in the amount of \$50,000 each, for a total settlement of \$500,000, pursuant to the settlement agreement, payable to Friedman, Rodman, & Frank Trust and Madonna Castillo, which sum is inclusive of costs and



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13 attorney's fees as limited in accordance with s. 768.28, Florida  
14 Statutes, as compensation for the injuries sustained by Madonna  
15 Castillo due to the negligence of the City of Hialeah. The first  
16 of the ten annual installments shall be paid on July 1, 2010,  
17 with annual installments to be paid each subsequent year on July  
18 1, concluding with the final installment to be paid on July 1,  
19 2019.

20 Section 3. The amounts paid by the City of Hialeah pursuant  
21 to s. 768.28, Florida Statutes, and the amount awarded under  
22 this act are intended to provide the sole compensation for all  
23 present and future claims arising out of the factual situation  
24 described in the preamble to this act which resulted in the  
25 injuries sustained by Madonna Castillo. The total amount paid  
26 for attorney's fees, lobbying fees, costs, and other similar  
27 expenses relating to this claim may not exceed 25 percent of the  
28 amount awarded under this act.

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

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31 ===== T I T L E A M E N D M E N T =====

32 And the title is amended as follows:

33 Delete everything before the enacting clause  
34 and insert:

35 A bill to be entitled  
36 An act for the relief of Madonna Castillo by the City  
37 of Hialeah; providing for an appropriation to  
38 compensate her for injuries and damages that she  
39 sustained as a result of the negligence of the City of  
40 Hialeah; providing a limitation on the payment of fees  
41 and costs; providing an effective date.



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

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

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

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

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

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

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

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

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