



151056

LEGISLATIVE ACTION

| Senate     | . | House |
|------------|---|-------|
| Comm: RCS  | . |       |
| 04/10/2019 | . |       |
|            | . |       |
|            | . |       |
|            | . |       |

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The Committee on Governmental Oversight and Accountability  
(Cruz) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 68 - 72  
and insert:  
provide the sole compensation for all past, present, and future  
claims arising out of the factual situation alleged in this act  
which resulted in the death of Herminio Padilla, Jr. Of the  
amount awarded under this act, the total amount paid for  
attorney fees may not exceed \$20,000, the total amount paid for  
lobbying fees may not exceed \$5,000, and the total amount paid



11 for costs or other similar expenses may not exceed \$5,000.

12

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

14 And the title is amended as follows:

15 Delete lines 11 - 50

16 and insert:

17 providing a limitation on the payment of fees and  
18 costs; providing an effective date.

19

20 WHEREAS, on January 17, 2015, Herminio Padilla, Jr., was an  
21 employee of the City of West Palm Beach as a wastewater plant  
22 operator, and

23 WHEREAS, shortly after midnight on January 17, 2015, while  
24 working at the water reclamation facility, Mr. Padilla was  
25 walking on an elevated catwalk over a sewage basin when a grate  
26 allegedly and unexpectedly collapsed, causing him to fall into  
27 the basin, and

28 WHEREAS, at the time of this event, no one was present in  
29 the area, other than Mr. Padilla, and Mr. Padilla sank in the  
30 basin and drowned, and

31 WHEREAS, the Estate of Herminio Padilla, Jr., filed a  
32 lawsuit against his employer, the City of West Palm Beach, who  
33 owns and operates the water reclamation facility, as well as  
34 Palm Beach County, the City of Lake Worth, the City of Riviera  
35 Beach, and the Town of Palm Beach, who have a beneficial  
36 interest in the water reclamation facility where the accident  
37 occurred, and

38 WHEREAS, it is alleged that, before the drowning occurred,  
39 the City of West Palm Beach as the owner and operator of the



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40 water reclamation facility hired an engineering firm to perform  
41 a visual inspection of the facility and the firm identified  
42 several safety issues that required immediate attention, and

43 WHEREAS, subsequent to the drowning, the City of West Palm  
44 Beach as the owner and operator of the water reclamation  
45 facility hired a separate engineering company to perform an  
46 analysis of the drowning which revealed that the grate that  
47 collapsed was missing an attachment which caused it to slide off  
48 the supporting ledge, and

49 WHEREAS, subsequent to the drowning, an e-mail written by  
50 another employee of the facility alleged that complaints about  
51 other catwalks at the facility were brought to the attention of  
52 the City of West Palm Beach before the drowning, and

53 WHEREAS, on October 17, 2018, the parties participated in  
54 mediation and a settlement in the amount of \$400,000 was  
55 reached, as a compromise with no defendant admitting liability,  
56 and of which the City of West Palm Beach, Palm Beach County, the  
57 City of Lake Worth, the City of Riviera Beach, and the Town of  
58 Palm Beach have collectively paid the statutory limit of  
59 \$300,000, and \$100,000 remaining to be paid by the City of West  
60 Palm Beach, Palm Beach County, the City of Lake Worth, the City  
61 of Riviera Beach, and the Town of Palm Beach collectively upon  
62 approval of a claim bill, NOW, THEREFORE,