

By the Committees on Governmental Oversight and Accountability;
and Judiciary; and Senator Cruz

585-04141-19

2019200c2

1 A bill to be entitled
2 An act for the relief of the Estate of Herminio
3 Padilla, Jr., by the City of West Palm Beach, Palm
4 Beach County, the City of Lake Worth, the City of
5 Riviera Beach, and the Town of Palm Beach; providing
6 for an appropriation to compensate his estate for
7 injuries and damages sustained by Herminio Padilla,
8 Jr., as a result of the negligence of the City of West
9 Palm Beach, Palm Beach County, the City of Lake Worth,
10 the City of Riviera Beach, and the Town of Palm Beach;
11 providing a limitation on the payment of fees and
12 costs; providing an effective date.

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

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

22 WHEREAS, at the time of this event, no one was present in
23 the area, other than Mr. Padilla, and Mr. Padilla sank in the
24 basin and drowned, and

25 WHEREAS, the Estate of Herminio Padilla, Jr., filed a
26 lawsuit against his employer, the City of West Palm Beach, who
27 owns and operates the water reclamation facility, as well as
28 Palm Beach County, the City of Lake Worth, the City of Riviera
29 Beach, and the Town of Palm Beach, who have a beneficial

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30 interest in the water reclamation facility where the accident
31 occurred, and

32 WHEREAS, it is alleged that, before the drowning occurred,
33 the City of West Palm Beach as the owner and operator of the
34 water reclamation facility hired an engineering firm to perform
35 a visual inspection of the facility and the firm identified
36 several safety issues that required immediate attention, and

37 WHEREAS, subsequent to the drowning, the City of West Palm
38 Beach as the owner and operator of the water reclamation
39 facility hired a separate engineering company to perform an
40 analysis of the drowning which revealed that the grate that
41 collapsed was missing an attachment which caused it to slide off
42 the supporting ledge, and

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

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

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

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

Section 2. The City of West Palm Beach, Palm Beach County, the City of Lake Worth, the City of Riviera Beach, and the Town of Palm Beach are authorized and directed to appropriate from funds not otherwise encumbered and to draw warrants in the sums of \$54,091, \$22,727, \$11,363.50, \$7,273, and \$4,545.50, respectively, payable to Stephen P. Padilla, as personal representative of the Estate of Herminio Padilla, Jr., as compensation for injuries and damages sustained.

Section 3. The amounts paid by the City of West Palm Beach, Palm Beach County, the City of Lake Worth, the City of Riviera Beach, and the Town of Palm Beach pursuant to s. 768.28, Florida Statutes, and the amount awarded under this act are intended to 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 for costs or other similar expenses may not exceed \$5,000.

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