

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee
 2 Representative Payne offered the following:

Amendment (with title amendment)

Remove lines 14-72 and insert:

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

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

14 WHEREAS, at the time of this event, no one was present in
 15 the area, other than Mr. Padilla, and Mr. Padilla sank in the
 16 basin and drowned, and

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17 WHEREAS, the Estate of Herminio Padilla, Jr., filed a
18 lawsuit against his employer, the City of West Palm Beach, who
19 owns and operates the water reclamation facility, as well as
20 Palm Beach County, the City of Lake Worth, the City of Riviera
21 Beach, and the Town of Palm Beach, who have a beneficial
22 interest in the water reclamation facility where the accident
23 occurred, and

24 WHEREAS, it is alleged that, before the drowning occurred,
25 the City of West Palm Beach as the owner and operator of the
26 water reclamation facility hired an engineering firm to perform
27 a visual inspection of the facility and the firm identified
28 several safety issues that required immediate attention, and

29 WHEREAS, subsequent to the drowning, the City of West Palm
30 Beach as the owner and operator of the water reclamation
31 facility hired a separate engineering company to perform an
32 analysis of the drowning which revealed that the grate that
33 collapsed was missing an attachment which caused it to slide off
34 the supporting ledge, and

35 WHEREAS, subsequent to the drowning, an e-mail written by
36 another employee of the facility alleged that complaints about
37 other catwalks at the facility were brought to the attention of
38 the City of West Palm Beach prior to the drowning, and

39 WHEREAS, on October 17, 2018, the parties participated in
40 mediation and a settlement in the amount of \$400,000 was reached
41 as a compromise with no Defendant admitting liability, and of

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42 | which the City of West Palm Beach, Palm Beach County, the City
43 | of Lake Worth, the City of Riviera Beach, and the Town of Palm
44 | Beach have collectively paid the statutory limit of \$300,000,
45 | and \$100,000 remaining to be paid by the City of West Palm
46 | Beach, Palm Beach County, the City of Lake Worth, the City of
47 | Riviera Beach, and the Town of Palm Beach collectively upon
48 | approval of a claim bill, NOW, THEREFORE,

49 | Be It Enacted by the Legislature of the State of Florida:

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

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

60 | Section 3. The amounts paid by the City of West Palm
61 | Beach, Palm Beach County, the City of Lake Worth, the City of
62 | Riviera Beach, and the Town of Palm Beach pursuant to s. 768.28,
63 | Florida Statutes, and the amount awarded under this act are
64 | intended to provide the sole compensation for all past, present,
65 | and future claims arising out of the factual situation alleged
66 | in this act which resulted in the death of Herminio Padilla, Jr.

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67 Of the amount awarded under this act, the total amount paid for
68 attorney fees may not exceed \$20,000, the total amount paid for
69 lobbying fees may not exceed \$5,000, and the total amount paid
70 for costs or other similar expenses may not exceed \$5,000.

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

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Remove lines 8-12 and insert:

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Jr., as a result of the alleged negligence of the City of West

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Palm Beach, Palm Beach County, the City of Lake Worth, the City

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of Riviera Beach, and the Town of Palm Beach; providing a

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limitation on the payment of attorney fees; providing an

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effective date.