

HB 6515

2019

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 attorney  
12 fees; 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 at a water reclamation facility, Mr. Padilla was walking on an  
19 elevated catwalk over a sewage basin when suddenly and  
20 unexpectedly one of the catwalk grates collapsed, causing him to  
21 fall into the basin, and

22 WHEREAS, at the time of this event, no one was present, no  
23 lifesaving equipment was nearby, and Mr. Padilla sank in the  
24 basin and drowned, and

25 WHEREAS, the Estate of Herminio Padilla, Jr., filed a

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26 lawsuit against the City of West Palm Beach, Palm Beach County,  
27 the City of Lake Worth, the City of Riviera Beach, and the Town  
28 of Palm Beach, all of which owned the water reclamation facility  
29 in which the drowning occurred, and

30 WHEREAS, through discovery related to the lawsuit, it was  
31 revealed that, before the drowning occurred, the owners of the  
32 water reclamation facility hired an engineering firm to inspect  
33 the facilities and the firm identified several safety issues  
34 that required immediate attention, and

35 WHEREAS, subsequent to the drowning, the owners of the  
36 water reclamation facility hired a separate engineering company  
37 to perform a causal analysis of the drowning which revealed  
38 multiple structural defects relating to the catwalk and grates  
39 that collapsed, and

40 WHEREAS, an e-mail written by an employee of the facility  
41 at issue, dated January 18, 2015, indicated that a mechanic  
42 brought the issue of the grate to the attention of the owners  
43 one week before the drowning occurred, and

44 WHEREAS, on October 17, 2018, the parties participated in  
45 mediation and a settlement in the amount of \$400,000 was  
46 reached, of which the City of West Palm Beach, Palm Beach  
47 County, the City of Lake Worth, the City of Riviera Beach, and  
48 the Town of Palm Beach collectively have paid the statutory  
49 limit of \$300,000, with approximately \$100,000 remaining to be  
50 paid, NOW, THEREFORE,

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

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 present and future claims arising out of the factual situation described in this act which resulted in the death of Herminio Padilla, Jr. The total amount paid for attorney fees relating to this claim may not exceed 25 percent of the amount awarded under this act.

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