

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 alleged negligence of the City  
9 of West Palm Beach, Palm Beach County, the City of  
10 Lake Worth, the City of Riviera Beach, and the Town of  
11 Palm Beach; providing a limitation on the payment of  
12 attorney fees, lobbying fees, and costs or other  
13 similar expenses; providing an effective date.

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

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

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

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

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

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

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

48 WHEREAS, on October 17, 2018, the parties participated in  
49 mediation, and a settlement in the amount of \$400,000 was  
50 reached as a compromise with no defendant admitting liability,

51 | of which the City of West Palm Beach, Palm Beach County, the  
 52 | City of Lake Worth, the City of Riviera Beach, and the Town of  
 53 | Palm Beach have collectively paid the statutory limit of  
 54 | \$300,000, and \$100,000 remaining to be paid by the City of West  
 55 | Palm Beach, Palm Beach County, the City of Lake Worth, the City  
 56 | of Riviera Beach, and the Town of Palm Beach collectively upon  
 57 | approval of a claim bill, NOW, THEREFORE,

58 |

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

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

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

71 |       Section 3. The amounts paid by the City of West Palm  
 72 | Beach, Palm Beach County, the City of Lake Worth, the City of  
 73 | Riviera Beach, and the Town of Palm Beach pursuant to s. 768.28,  
 74 | Florida Statutes, and the amount awarded under this act are  
 75 | intended to provide the sole compensation for all past, present,

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76 and future claims arising out of the factual situation alleged  
77 in this act which resulted in the death of Herminio Padilla, Jr.  
78 Of the amount awarded under this act, the total amount paid for  
79 attorney fees may not exceed \$20,000, the total amount paid for  
80 lobbying fees may not exceed \$5,000, and the total amount paid  
81 for costs or other similar expenses may not exceed \$5,000.

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