

ENROLLED

CS/HB 6515

2019 Legislature

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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

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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,

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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:

60 |

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.