

By Senator Jones

34-00080-25

202514\_\_

1                   A bill to be entitled  
2       An act for the relief of the Estate of Peniel Janvier  
3       by the City of Miami Beach; providing for an  
4       appropriation to compensate the Estate of Peniel  
5       Janvier for damages sustained as a result of the  
6       negligence of the City of Miami Beach; providing a  
7       limitation on the payment of compensation and attorney  
8       fees; providing an effective date.  
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10       WHEREAS, on August 16, 2022, Peniel Janvier drowned after  
11       being pushed into the community pool at the Scott Rakow Youth  
12       Center in the City of Miami Beach, and

13       WHEREAS, the lifeguards and personnel of the City of Miami  
14       Beach failed to observe and respond to Mr. Janvier being pushed  
15       into the community pool, and

16       WHEREAS, the Estate of Peniel Janvier has alleged, through  
17       a lawsuit filed on March 22, 2023, that the negligence of the  
18       City of Miami Beach, through its lifeguards and personnel, was  
19       the proximate cause of the death of Mr. Janvier, and

20       WHEREAS, Nicole Mathurin, Mr. Janvier's mother, and  
21       Lucmanne Janvier, Mr. Janvier's father, have suffered  
22       significant financial damages due to the loss of Peniel  
23       Janvier's net income accumulation in the past and future, and  
24       extreme mental anguish and suffering as a result of the loss of  
25       their son, and

26       WHEREAS, the Estate of Peniel Janvier and the City of Miami  
27       Beach reached a settlement in the amount of \$2 million, and

28       WHEREAS, pursuant to the settlement agreement between the  
29       parties, the plaintiff's claim will be partially satisfied by

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30 the City of Miami Beach paying the amount of \$300,000 to the  
31 Estate of Peniel Janvier, and

32 WHEREAS, pursuant to the settlement, the claim shall be  
33 considered fully satisfied by the City of Miami Beach paying an  
34 additional \$1.7 million to the Estate of Peniel Janvier, as  
35 authorized by the Florida Legislature through a claim bill, NOW,  
36 THEREFORE,

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

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

42 Section 2. The City of Miami Beach is authorized and  
43 directed to appropriate from funds not otherwise encumbered and  
44 to draw a warrant in the sum of \$1.7 million payable to the  
45 Estate of Peniel Janvier as compensation for injuries and  
46 damages sustained.

47 Section 3. The amount paid by the City of Miami Beach,  
48 pursuant to s. 768.28, Florida Statutes, and the amount awarded  
49 under this act are intended to provide the sole compensation for  
50 all present and future claims arising out of the factual  
51 situation described in this act which resulted in the death of  
52 Peniel Janvier and damages to the Estate of Peniel Janvier. The  
53 total amount paid for attorney fees relating to this claim may  
54 not exceed 25 percent of the total amount awarded under this  
55 act.

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