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1
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.
9

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

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

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 Miami Beach is authorized and directed to appropriate from funds not otherwise encumbered and to draw a warrant in the sum of \$1.7 million payable to the Estate of Peniel Janvier as compensation for injuries and damages sustained.

Section 3. The amount paid by the City of Miami 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 Peniel Janvier and damages to the Estate of Peniel Janvier. The total amount paid for attorney fees relating to this claim may not exceed 25 percent of the total amount awarded under this act.

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