

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  
 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,

37

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  
 41 are 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

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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.