



151056

LEGISLATIVE ACTION

Senate

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House

The Committee on Governmental Oversight and Accountability
(Cruz) recommended the following:

Senate Amendment (with title amendment)

Delete lines 68 - 72

and insert:

provide the sole compensation for all past, present, and future
claims arising out of the factual situation alleged in this act
which resulted in the death of Herminio Padilla, Jr. Of the
amount awarded under this act, the total amount paid for
attorney fees may not exceed \$20,000, the total amount paid for
lobbying fees may not exceed \$5,000, and the total amount paid



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11 for costs or other similar expenses may not exceed \$5,000.

12

13 ===== T I T L E A M E N D M E N T =====

14 And the title is amended as follows:

15 Delete lines 11 - 50

16 and insert:

17 providing a limitation on the payment of fees and
18 costs; providing an effective date.

19

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

23 WHEREAS, shortly after midnight on January 17, 2015, while
24 working at the water reclamation facility, Mr. Padilla was
25 walking on an elevated catwalk over a sewage basin when a grate
26 allegedly and unexpectedly collapsed, causing him to fall into
27 the basin, and

28 WHEREAS, at the time of this event, no one was present in
29 the area, other than Mr. Padilla, and Mr. Padilla sank in the
30 basin and drowned, and

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

38 WHEREAS, it is alleged that, before the drowning occurred,
39 the City of West Palm Beach as the owner and operator of the



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40 water reclamation facility hired an engineering firm to perform
41 a visual inspection of the facility and the firm identified
42 several safety issues that required immediate attention, and

43 WHEREAS, subsequent to the drowning, the City of West Palm
44 Beach as the owner and operator of the water reclamation
45 facility hired a separate engineering company to perform an
46 analysis of the drowning which revealed that the grate that
47 collapsed was missing an attachment which caused it to slide off
48 the supporting ledge, and

49 WHEREAS, subsequent to the drowning, an e-mail written by
50 another employee of the facility alleged that complaints about
51 other catwalks at the facility were brought to the attention of
52 the City of West Palm Beach before the drowning, and

53 WHEREAS, on October 17, 2018, the parties participated in
54 mediation and a settlement in the amount of \$400,000 was
55 reached, as a compromise with no defendant admitting liability,
56 and of which the City of West Palm Beach, Palm Beach County, the
57 City of Lake Worth, the City of Riviera Beach, and the Town of
58 Palm Beach have collectively paid the statutory limit of
59 \$300,000, and \$100,000 remaining to be paid by the City of West
60 Palm Beach, Palm Beach County, the City of Lake Worth, the City
61 of Riviera Beach, and the Town of Palm Beach collectively upon
62 approval of a claim bill, NOW, THEREFORE,