

## CHAPTER 2010-238

### Committee Substitute for Senate Bill No. 50

An act for the relief of Madonna Castillo by the City of Hialeah; providing for an appropriation to compensate her for injuries and damages that she sustained as a result of the negligence of the City of Hialeah; providing a limitation on the payment of fees and costs; providing an effective date.

WHEREAS, on July 3, 1998, Madonna Castillo, a minor, was swimming in the public pool at Milander Park in the City of Hialeah, and

WHEREAS, the City of Hialeah managed and operated the pool at Milander Park, and

WHEREAS, city employees allowed swimmers to be rowdy in and around areas of the pool in which others were swimming, and

WHEREAS, the lifeguard on duty had abandoned his post, and

WHEREAS, while Madonna Castillo was standing in the pool talking to her sister, Madonna Castillo was struck in the eye by another swimmer, and

WHEREAS, as a result of the incident, Madonna Castillo suffered total vision loss in her right eye and underwent two surgeries, including the insertion of a microvalve to regulate intraocular pressure, and

WHEREAS, Madonna Castillo's injuries will require the eventual removal of her right eye and the insertion of a prosthetic eye, and

WHEREAS, after a jury trial resulting in a verdict in favor of Madonna Castillo, the City of Hialeah initiated appellate proceedings, and

WHEREAS, the parties entered into a settlement agreement, pursuant to which, on April 2, 2004, the City of Hialeah paid to Madonna Castillo the sum of \$200,000, and agreed to support a claim bill by the Legislature in the amount of \$500,000 in favor of Madonna Castillo, 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 Hialeah is authorized and directed to appropriate from funds of the city not otherwise appropriated and to draw ten consecutive annual warrants in the amount of \$50,000 each, for a total settlement of \$500,000, pursuant to the settlement agreement, payable to Friedman, Rodman, & Frank Trust and Madonna Castillo, which sum is inclusive of costs and attorney's fees as limited in accordance with s. 768.28, Florida Statutes, as compensation for the injuries sustained by Madonna Castillo

due to the negligence of the City of Hialeah. The first of the ten annual installments shall be paid on July 1, 2010, with annual installments to be paid each subsequent year on July 1, concluding with the final installment to be paid on July 1, 2019.

Section 3. The amounts paid by the City of Hialeah 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 the preamble to this act which resulted in the injuries sustained by Madonna Castillo. The total amount paid for attorney's fees, lobbying fees, costs, and other similar expenses relating to this claim may not exceed 25 percent of the amount awarded under this act.

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

Approved by the Governor May 26, 2010.

Filed in Office Secretary of State May 26, 2010.