



207826

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/31/2009	.	
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	.	

The Committee on Community Affairs (Deutch) recommended the following:

Senate Amendment (with title amendment)

Delete lines 46 - 54
and insert:

Section 2. The City of Hialeah is authorized and directed to appropriate from funds of the city not otherwise appropriated and to draw a warrant in the amount of \$500,000, pursuant to the settlement agreement, to be paid to 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



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12 of the City of Hialeah.

13

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

15 And the title is amended as follows:

16 Delete everything before the enacting clause
17 and insert:

18 A bill to be entitled

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

25

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

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

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

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

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

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



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

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

47 WHEREAS, the parties entered into a settlement agreement,
48 pursuant to which, on April 2, 2004, the City of Hialeah paid to
49 Madonna Castillo and her mother, Reyna Castillo, the sum of
50 \$100,000 apiece, for a grand total of \$200,000, and agreed to
51 support a claim bill by the Legislature in the amount of
52 \$500,000 in favor of Madonna Castillo, NOW, THEREFORE,