

STORAGE NAME: h2177.cla

DATE: April 9, 1999

HOUSE OF REPRESENTATIVES
COMMITTEE ON
CLAIMS
ANALYSIS

Bill #: HB 2177 (formerly PCB CL 99-08)

Sponsor: Claims Committee

Reference:

Companion Bill: None

A. Basic Information:

1. Claimants: Carlos and Teresita Menendez, as legal guardians of Elizabeth Menendez.
2. Respondent: The Sheriff of Palm Beach County.
3. Amount Requested: \$2,400,000.
4. Type of Claim: Settlement.
5. Respondent's Position: Agreed to settlement, and has already paid \$100,000 as allowed by s. 768.28, F.S.
6. Collateral Sources: Elizabeth Menendez receives \$445 per month in Social Security and food stamps.
7. Prior Legislative History: None.

B. Procedural Summary: Carlos and Teresita Menendez, as guardians of Elizabeth Menendez, sued the Sheriff of Palm Beach County for damages sustained as a result of an accident with a vehicle involved in a high-speed pursuit by the Palm Beach County Sheriff's office. Prior to a Final Judgment being entered, the parties entered into a settlement agreement, which was approved by the circuit court on October 21, 1998. The settlement agreement requires the Sheriff to pay the sum of \$2.5 million to Carlos and Teresita Menendez for the use and benefit of Elizabeth Menendez. The Sheriff has already paid the first \$100,000 of the settlement, leaving \$2.4 million to be paid pursuant to the claims bill.

C. Facts of Case: County sheriff's officers were involved in a high-speed pursuit of a vehicle with speeds reaching 100 miles per hour. Elizabeth Menendez, a 22-year old senior at Florida Atlantic University, was attempting to make a left hand turn, when her car was struck by the vehicle being pursued by the sheriff's department for running a red light. The pursuit was in apparent violation of the duty of care identified in City of Pinellas Park v. Brown, 604 So.2d 1222 (Fla. 1992). As a result of the accident, Elizabeth Menendez has suffered permanent brain damage; has no short-term memory; requires 24-hour supervision; has permanent fixtures in her back and right arm; and will require medical care for the balance of her lifetime.

SM: _____ SD: _____ Date: _____
Stephanie O. Birtman Stephanie O. Birtman