

**STORAGE NAME:** h1553.cla  
**DATE:** January 13, 2000

**Florida House of Representatives  
Committee on Claims  
Summary Claim Bill Report**

**Bill #:** HB 1553  
**Sponsor:** Claims Committee  
**Companion Bill:** SB 16 - Senator Dawson  
**Special Master:** Stephanie O. Birtman

**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 \$466 per month in Social Security benefits.
- 7. Prior Legislative History:** An identical bill, HB 2177, passed the House in the 1999 Legislative Session, but was not heard in the Senate, as the claimant missed the Senate bill filing deadline for the 1999 session.

**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