



STORAGE NAME: h0293.CVJS

DATE: 2/15/2012

Florida House of Representatives Summary Claim Bill Report

Bill #: HB 293; Relief of Matute, Torres, De Mayne, Torres, and Barahona/Palm Beach County Sheriff's Office

Sponsor: Representative Rooney, Jr.

Companion Bill: SB 52 by Senator Negron

Special Master: Tom Thomas

Basic Information:

Claimants:	Criss Matute, Christian Manuel Torres, Eddna Torres De Mayne, Lansky Torres, and Nasdry Yamileth Torres Barahona
Respondent:	Palm Beach County Sheriff's Office
Amount Requested:	\$371,850.98
Type of Claim:	Local equitable claim; result of a settlement agreement.
Respondent's Position:	The Palm Beach County Sheriff's Office admits responsibility for the accident and does not object to this claim bill.
Collateral Sources:	As part of its settlement, \$75,000 was paid to the Claimants by Republic Services of Florida, owner of one of the vehicles, a Mack truck, involved in the accident.
Attorney's/Lobbying Fees:	The claimant's attorney provided an affidavit stating that the attorney's fees will be capped at 25% of the total claim award in accordance with s. 768.28(8), F.S., and that the lobbyist's fees, if any, will be included in the 25% fee cap.
Prior Legislative History:	This is the first year this claim has been filed.

Procedural Summary: Mr. Matute's surviving child, Eddna Torres De Mayne, brought a wrongful-death action against the Palm Beach County Sheriff's Office seeking damages for her siblings, Criss Matute, Christian Manuel Torres, Lansky Torres, and Nasdry Yamileth Torres Barahona, and herself for their anguish and mental pain and suffering due to the tragic death of their father. On January 4, 2011, the Palm Beach County Sheriff's Office agreed to settle the claim in the amount of \$500,000. In May 2011, the Palm Beach County Sheriff's Office tendered to Eddna Torres De Mayne, as personal representative of the Estate of Manuel A. Matute, a payment of \$128,149.02 in

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accordance with the statutory limits of liability set forth in s. 768.28, F.S.

Facts of Case: Manuel Antonio Matute, age 60, was killed on October 29, 2008, when he was hit head-on by a sheriff's office vehicle. The accident occurred at 5:58 a.m. The sheriff's vehicle was driven by a deputy employed by the Palm Beach County Sheriff's Office. The deputy fell asleep and lost control of his vehicle as he was travelling northbound on U.S. Highway 441 in West Palm Beach. The Sheriff's vehicle drifted to the right, hit the median, crossed the center island, and entered the southbound lane, finally impacting directly into the vehicle driven by Mr. Matute. As a result of the crash, two other southbound vehicles ran into the accident. Mr. Matute was declared dead at the scene of the accident.

Mr. Matute is survived by three sons and two daughters. Mr. Matute was not responsible in any way for causing the accident.

Recommendation: The bill should be amended to name the correct roadway where the accident occurred. The correct roadway is U.S. Highway 441, not Military Trail. I respectfully recommend House Bill 293 be reported **FAVORABLY**, as amended.

Tom Thomas, Special Master

Date: February 15, 2012

cc: Representative Rooney, House Sponsor
Senator Negron, Senate Sponsor
Judge Jessica E. Varn, Senate Special Master