

By Senator Negron

28-00179A-12

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1 A bill to be entitled
2 An act for the relief of Criss Matute, Christian
3 Manuel Torres, Eddna Torres De Mayne, Lansky Torres,
4 and Nasdry Yamileth Torres Barahona by the Palm Beach
5 County Sheriff's Office; providing for an
6 appropriation to compensate them for injuries
7 sustained as a result of the negligence of the Palm
8 Beach County Sheriff's Office for the wrongful death
9 of their father, Manuel Antonio Matute; providing a
10 limitation on the payment of fees and costs; providing
11 an effective date.

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13 WHEREAS, Manuel Antonio Matute, age 60, was killed on
14 October 29, 2008, when he was hit head-on by a sheriff's office
15 vehicle whose driver, a Palm Beach County Deputy Sheriff, lost
16 control of the vehicle on South Military Trail in West Palm
17 Beach, Palm Beach County, and

18 WHEREAS, Manuel A. Matute's surviving child, Eddna Torres
19 De Mayne, brought a wrongful-death action against the Palm Beach
20 County Sheriff's Office seeking damages for her siblings, Criss
21 Matute, Christian Manuel Torres, Lansky Torres, and Nasdry
22 Yamileth Torres Barahona, and herself for their anguish and
23 mental pain and suffering due to the tragic death of their
24 father, and

25 WHEREAS, on January 4, 2011, the Palm Beach County
26 Sheriff's Office agreed to settle the claim in the amount of
27 \$500,000, and

28 WHEREAS, in May 2011, the Palm Beach County Sheriff's
29 Office tendered to Eddna Torres De Mayne, as personal

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30 representative of the Estate of Manuel A. Matute, a payment of
31 \$128,149.02 in accordance with the statutory limits of liability
32 set forth in s. 768.28, Florida Statutes, and

33 WHEREAS, Eddna Torres De Mayne, as personal representative
34 of the Estate of Manuel A. Matute, seeks satisfaction of the
35 balance of the settlement agreement which is \$371,850.98, NOW,
36 THEREFORE,

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38 Be It Enacted by the Legislature of the State of Florida:

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40 Section 1. The facts stated in the preamble to this act are
41 found and declared to be true.

42 Section 2. The Palm Beach County Sheriff's Office is
43 authorized and directed to appropriate from funds of the county
44 not otherwise appropriated and to draw a warrant in the sum of
45 \$371,850.98, payable to Eddna Torres De Mayne, as personal
46 representative of the Estate of Manuel A. Matute, as
47 compensation for injuries and damages sustained due to the
48 wrongful death of Manuel Antonio Matute.

49 Section 3. The amount paid by the Palm Beach County
50 Sheriff's Office pursuant to s. 768.28, Florida Statutes, and
51 the amount awarded under this act are intended to provide the
52 sole compensation for all present and future claims arising out
53 of the factual situation described in this act which resulted in
54 the death of Manuel Antonio Matute. The total amount paid for
55 attorney's fees, lobbying fees, costs, and other similar
56 expenses relating to this claim may not exceed 25 percent of the
57 amount awarded under this act.

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