

By Senator Negrón

32-00040A-15

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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, as beneficiaries
5 of the Estate of Manuel Antonio Matute, by the Palm
6 Beach County Sheriff's Office; providing for an
7 appropriation to compensate them for the wrongful
8 death of their father, Manuel Antonio Matute, as a
9 result of the negligence of an employee of the Palm
10 Beach County Sheriff's Office; providing that the
11 amount paid by the sheriff's office and the
12 appropriation satisfy all present and future claims
13 related to the negligent act; providing a limitation
14 on the payment of fees and costs; providing an
15 effective date.

16
17 WHEREAS, on October 29, 2008, Manuel Antonio Matute, age
18 60, was hit head-on by a vehicle owned by the Palm Beach County
19 Sheriff's Office and driven by a Palm Beach County deputy
20 sheriff, after the deputy sheriff lost control of the vehicle on
21 U.S. Highway 441 in Palm Beach County, and

22 WHEREAS, Mr. Matute was killed as a result of the accident,
23 and

24 WHEREAS, one of Mr. Matute's surviving children, Eddna
25 Torres De Mayne, brought a wrongful-death action against the
26 Palm Beach County Sheriff's Office seeking damages for herself
27 and her siblings, Criss Matute, Christian Manuel Torres, Lansky
28 Torres, and Nasdry Yamileth Torres Barahona, for their anguish
29 and mental pain and suffering due to the tragic death of their

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30 father, and

31 WHEREAS, on January 4, 2011, the Palm Beach County
32 Sheriff's Office offered to settle the claim for the amount of
33 \$500,000 and Ms. Torres De Mayne, as personal representative of
34 the Estate of Manuel Antonio Matute, accepted the Sheriff's
35 offer on or about January 9, 2011, and

36 WHEREAS, in May 2011, the Palm Beach County Sheriff's
37 Office tendered to Ms. Torres De Mayne, as personal
38 representative of the Estate of Manuel Antonio Matute, a payment
39 of \$128,149.02 in accordance with the remaining statutory limits
40 of liability set forth in s. 768.28, Florida Statutes, and

41 WHEREAS, Ms. Torres De Mayne, as personal representative of
42 the Estate of Manuel Antonio Matute, seeks satisfaction of the
43 balance of the settlement agreement, which is \$371,850.98, NOW,
44 THEREFORE,

45
46 Be It Enacted by the Legislature of the State of Florida:

47
48 Section 1. The facts stated in the preamble to this act are
49 found and declared to be true.

50 Section 2. The Palm Beach County Sheriff's Office is
51 authorized and directed to appropriate from funds of the county
52 not otherwise appropriated and to draw a warrant in the sum of
53 \$371,850.98 to Eddna Torres De Mayne, as personal representative
54 of the Estate of Manuel Antonio Matute, as compensation for the
55 wrongful death of Mr. Matute as a result of the negligence of an
56 employee of the sheriff's office.

57 Section 3. The amount paid by the Palm Beach County
58 Sheriff's Office pursuant to s. 768.28, Florida Statutes, and

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59 the amount awarded under this act are intended to provide the
60 sole compensation for all present and future claims arising out
61 of the factual situation described in this act which resulted in
62 the death of Mr. Matute. The total amount paid for attorney
63 fees, lobbying fees, costs, and other similar expenses relating
64 to this claim may not exceed 25 percent of the amount awarded
65 under this act.

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