

CHAPTER 2015-214

Committee Substitute for House Bill No. 3533

An act for the relief of Criss Matute, Christian Manuel Torres, Eddna Torres de Mayne, Lansky Torres, and Nasdry Yamileth Torres Barahona, as beneficiaries of the Estate of Manuel Antonio Matute, by the Palm Beach County Sheriff's Office; providing for an appropriation to compensate them for the wrongful death of their father, Manuel Antonio Matute, as a result of the negligence of an employee of the Palm Beach County Sheriff's Office; providing that the amount paid by the sheriff's office and the appropriation satisfy all present and future claims related to the negligent act; providing a limitation on the payment of fees and costs; providing an effective date.

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

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

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

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

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

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

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

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

Section 2. The Palm Beach County Sheriff's Office is authorized and directed to appropriate from funds of the county not otherwise appropriated and to draw a warrant in the sum of \$371,850.98 to Eddna Torres de Mayne,

as personal representative of the Estate of Manuel Antonio Matute, as compensation for the wrongful death of Mr. Matute as a result of the negligence of an employee of the sheriff's office.

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

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

Approved by the Governor June 11, 2015.

Filed in Office Secretary of State June 11, 2015.