



THE FLORIDA SENATE
SPECIAL MASTER ON CLAIM BILLS

Location
409 The Capitol

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DATE	COMM	ACTION
3/24/23	SM	Favorable
3/29/23	JU	Favorable
4/3/23	CA	Favorable
4/18/23	RC	Favorable

March 24, 2023

The Honorable Kathleen Passidomo
President, The Florida Senate
Suite 409, The Capitol
Tallahassee, Florida 32399-1100

Re: **SB 6** – Senator Rodriguez
HB 6011 – Representative Porras
Relief of Jason Sanchez

SPECIAL MASTER'S FINAL REPORT

THIS IS AN UNCONTESTED CLAIM BILL FOR LOCAL FUNDS IN THE AMOUNT OF \$950,000 BASED ON A SETTLEMENT AGREEMENT BETWEEN THE ESTATE OF JASON SANCHEZ AND MIAMI-DADE COUNTY WHICH RESOLVED A CIVIL ACTION THAT AROSE FROM THE NEGLIGENT OPERATION OF A COUNTY BUS CAUSING THE DEATH OF JASON SANCHEZ.

FINDINGS OF FACT:

On May 13, 2019, at approximately 7:49am, Jason Sanchez was driving his motorcycle heading north on SW 107th Ave. in Miami-Dade County, Florida. At the intersection of 107th Ave. and 176th St., Alcides Puello, who was operating a Miami-Dade County bus, rolled through a stop sign while making a left hand turn from 176th St. onto 107th Ave. This action placed the bus which Mr. Puello was operating directly in the path of Mr. Sanchez's motorcycle and, although Mr. Sanchez took evasive action, his motorcycle collided with the side of the bus. This collision and the resulting injuries caused Mr. Sanchez's death at the scene of the accident.

At the time the accident occurred, it was morning and the weather was warm, clear, and dry. There was a posted speed

limit of 30mph and the roadway was dry with paved shoulders and concrete curbing. The roadway was also free of obvious defects or obstructions which would have affected the collision.

Miami-Dade Police were called to the scene and the incident was investigated by the traffic homicide unit. Detective Jonathan Mesa filed the traffic homicide report and concluded that the accident was caused by Mr. Puello due to Mr. Puello failing to observe Mr. Sanchez approaching the intersection, failing to make a complete stop at the posted stop sign, and subsequently failing to yield the right-of-way to Mr. Sanchez. Additionally, bus surveillance video footage shows Mr. Puello failing to come to a complete stop at that stop sign, as well as the three previous stop signs he encountered.

Mr. Sanchez was pronounced deceased at the scene and was subsequently transported to the Miami-Dade Medical Examiner's Office. The cause of death was determined to be multiple blunt force trauma as a result of the crash. Additionally, toxicology tests revealed that Mr. Sanchez was not under the influence of drugs or alcohol at the time of the accident.

Mr. Sanchez is survived by his mother, Jaqueline Abreu, and his father, Manuel Sanchez. They are divorced and Mrs. Abreu is remarried. Both parents, as well as Mr. Sanchez's brother, testified at the hearing that the family was very close. In fact, Mr. Sanchez was living with his father at the time of the accident and Manuel Sanchez stated that Jason would help around tasks around the house and help buying food and other household items. Both are citizens of the United States. Mrs. Abreu has no criminal history while Manuel Sanchez was convicted of a drug related felony in 1987 for which he served five years in prison.

LITIGATION HISTORY:

On September 17, 2019, Mrs. Abreu filed a complaint as the representative of the estate of Jason Sanchez with the Eleventh Judicial Circuit Court for Miami-Dade County. The complaint alleged that Mr. Sanchez's death was caused due to a reckless maneuver by Mr. Puello which caused the bus that Mr. Puello was driving to unlawfully obstruct oncoming traffic. Miami-Dade County's initial answer to the complaint, filed on November 20, 2019, generally denied liability for Mr.

Sanchez's death, however, on June 25, 2021, Miami-Dade County responded to the plaintiff's request for admissions the county admitted to the facts that Mr. Puello had failed to come to a complete stop at the stop sign and failed to yield the right of way to Mr. Sanchez.

On April 26, 2022, the plaintiff and Miami-Dade County entered into a settlement agreement. The County agreed to pay \$1.25 million to the estate of Jason Sanchez, on behalf of the survivors Mrs. Abreu and Manuel Sanchez. The plaintiff agreed to release all claims for the accident and Miami-Dade County agreed not to oppose the claim bill. Although in the settlement agreement, Miami-Dade County stated that it denied liability and was simply settling to avoid litigation, at the hearing the attorney for the County, Mr. Grob, stated that the County has admitted to negligence in the matter. Additionally, Mr. Grob stated that any amount of comparative negligence on the part of Mr. Sanchez in causing the accident had been taken into account when drafting the settlement.

As part of the settlement, Ms. Abreu and Manuel Sanchez agreed to set aside sufficient funds to pay any and all Medicare and Medicaid bills, claims, penalties, interest fines, and liens as necessary. In the hearing the attorney for the plaintiff, Mr. McCarron, stated that there are no outstanding liens or debts that need to be paid. The county has paid the statutory maximum amount of \$300,000 leaving the remaining \$950,000 to be paid should the claim bill pass.

CONCLUSIONS OF LAW:

Section 316.123, F.S., requires a driver of a vehicle approaching a stop intersection indicated by a stop sign to stop before entering the intersection. After stopping, the driver is to yield the right-of-way to any vehicle which ... is approaching so closely on the highway as to constitute an immediate hazard during the time when the driver is moving across or within the intersection. Mr. Puello had a statutory duty to yield the right-of-way to Mr. Sanchez's vehicle, which he negligently failed to do. This breach was the direct cause of the collision between the two vehicles which resulted in Mr. Sanchez's death.

Under the doctrine of respondeat superior, Miami-Dade County is vicariously liable for the negligence of its agents and employees, when such acts are within the course and scope

of the agency or employment. See Mallory v. O'Neil, 69 So.2d 313 (Fla.1954), and s. 768.28, F.S. At the time of the accident, Mr. Puello was an employee of Miami-Dade County who was acting within the course and scope of his employment and operating a county vehicle which caused the collision and resulting death. Accordingly, the negligence of Mr. Puello is attributable to Miami-Dade County.

The amount of \$1.25 million in damages is agreed to by settlement and are reasonable damages. The Florida Wrongful Death Act in s. 768.21(4), F.S., allows parents of adult children to recover for pain and suffering as long as there are no other survivors as is the case here. Additionally, the Act in s. 768.21(5) and (6), allows recovery for funeral expenses and lost wages. Section 768.28, F.S., limits recovery to \$300,000 and without passage of this claim bill, the full amount of the settlement cannot be paid.

ATTORNEY FEES:

Section 768.28(8), F.S., states that no attorney may charge, demand, receive, or collect for services rendered, fees in excess of 25 percent of any judgment or settlement. Claimant's counsel, the Haggard Law Firm, has submitted an affidavit that its fees, as well as the lobbying fees, costs, and other similar expenses relating to this claim will not exceed 25 percent of the total amount awarded under the claim bill.

RECOMMENDATIONS:

Based upon the foregoing, I recommend that Senate Bill 6 be reported FAVORABLY.

Respectfully submitted,

Daniel Looke
Senate Special Master

cc: Secretary of the Senate