

By Senator Siplin

19-112A-07

1 A bill to be entitled
2 An act relating to Orange County; providing for
3 the relief of Stacie Wagner (formerly known as
4 Stacie Reyes), mother of decedent Angelica
5 Hernandez, a minor, for injuries and damages
6 resulting in the death of the minor child due
7 to the negligence of an employee of the Orange
8 County Fire Department; providing for an
9 appropriation; providing for attorney's fees;
10 providing an effective date.
11
12 WHEREAS, on June 4, 2001, at approximately 8:47 p.m.,
13 while returning to her home, Angelica Hernandez, the
14 11-year-old daughter of Stacie Wagner (then known as Stacie
15 Reyes), was struck and killed by an Orange County Fire
16 Department van as she was crossing Semoran Boulevard (SR 436)
17 approximately 637 feet south of the Aloma Avenue intersection,
18 and
19 WHEREAS, the van was driven by an Orange County
20 firefighter who was acting in the course and scope of his
21 employment, and
22 WHEREAS, after nearly 4 years of litigation and
23 discovery, a trial was conducted and, on April 1, 2005, the
24 jury returned a verdict in the amount of \$1.4 million for
25 Stacie Wagner's pain and suffering for the loss of Angelica
26 and \$8,000 to cover the cost of funeral expenses, and
27 WHEREAS, the jury having found that Orange County was
28 61-percent liable in causing Angelica's death and that
29 Angelica was 39-percent liable, the award was reduced to
30 \$858,880, and
31

1 WHEREAS, after denying several posttrial motions by the
2 county, the judge, on June 28, 2005, entered a final judgment
3 in the amount of \$900,880, including the award of \$858,880 and
4 an additional \$42,000 for reimbursement of the cost of the
5 expert witnesses and trial-related costs, and

6 WHEREAS, pursuant to the limitations on the waiver of
7 sovereign immunity set forth in s. 768.28, Florida Statutes,
8 Orange County has paid \$100,000, leaving a balance owed in the
9 amount of \$800,880, NOW, THEREFORE,

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

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

15 Section 2. Orange County is authorized and directed to
16 appropriate from funds of the county not otherwise
17 appropriated and to draw a warrant payable to Stacie Wagner,
18 mother of decedent minor Angelica Hernandez, for the total
19 amount of \$800,880, as compensation for injuries and damages
20 sustained due to the death of her daughter as a result of the
21 negligence of an employee of the Orange County Fire
22 Department. Such funds are inclusive of costs and attorney's
23 fees as limited by s. 768.28, Florida Statutes.

24 Section 3. This act shall take effect upon becoming a
25 law.