

1                                   A bill to be entitled  
 2           An act for the relief of Stacie Wagner (formerly known as  
 3           Stacie Reyes), mother of decedent Angelica Hernandez, a  
 4           minor, by Orange County; providing for an appropriation to  
 5           compensate her for injuries and damages resulting in the  
 6           death of her minor child due to the negligence of an  
 7           employee of the Orange County Fire Department; providing  
 8           for attorney's fees; providing an effective date.

9  
 10           WHEREAS, on June 4, 2001, at approximately 8:47 p.m., while  
 11           returning to her home, Angelica Hernandez, the 11-year-old  
 12           daughter of Stacie Wagner (then known as Stacie Reyes), was  
 13           struck and killed by an Orange County Fire Department van as she  
 14           was crossing Semoran Boulevard (SR 436) approximately 637 feet  
 15           south of the Aloma Avenue intersection, and

16           WHEREAS, the van was driven by an Orange County firefighter  
 17           who was acting in the course and scope of his employment, and

18           WHEREAS, after nearly 4 years of litigation and discovery,  
 19           a trial was conducted and, on April 1, 2005, the jury returned a  
 20           verdict in the amount of \$1.4 million for Stacie Wagner's pain  
 21           and suffering for the loss of Angelica and \$8,000 to cover the  
 22           cost of funeral expenses, and

23           WHEREAS, having found that Orange County was 61-percent  
 24           liable in causing Angelica's death and that Angelica was 39-  
 25           percent liable, the jury reduced the award to \$858,880, and

26           WHEREAS, after denying several posttrial motions by the  
 27           county, the judge, on June 28, 2005, entered a final judgment in  
 28           the amount of \$900,880, including the award of \$858,880 and an

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29 additional \$42,000 for reimbursement of the cost of the expert  
 30 witnesses and trial-related costs, and

31 WHEREAS, pursuant to the limits of liability set forth in  
 32 s. 768.28, Florida Statutes, Orange County has paid \$100,000,  
 33 leaving a balance owed in the amount of \$800,880, NOW,  
 34 THEREFORE,

35  
 36 Be It Enacted by the Legislature of the State of Florida:

37  
 38 Section 1. The facts stated in the preamble to this act  
 39 are found and declared to be true.

40 Section 2. Orange County is authorized and directed to  
 41 appropriate from funds of the county not otherwise appropriated  
 42 and to draw a warrant payable to Stacie Wagner, mother of  
 43 decedent minor Angelica Hernandez, for the total amount of  
 44 \$800,880, as compensation for injuries and damages sustained due  
 45 to the death of her daughter as a result of the negligence of an  
 46 employee of the Orange County Fire Department. Such funds are  
 47 inclusive of costs and attorney's fees as limited by s. 768.28,  
 48 Florida Statutes.

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