



459560

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: FAVSM	.	
4/9/2008	.	
	.	
	.	

1 The Special Master on Claim Bills recommended the following
 2 **amendment:**

3
 4 **Senate Amendment (with title amendment)**

5 Delete line(s) 41-47

6 and insert:

7 Section 2. Orange County is authorized and directed to
 8 appropriate from funds of the county not otherwise appropriated
 9 and to draw a warrant payable to Stacie Wagner, mother of
 10 decendent minor Angelica Hernandez, for the total amount of
 11 \$652,080, as compensation for injuries and damages sustained due
 12 to the death of her daughter as a result of the negligence of an
 13 employee of the Orange County Fire Department. Such funds are



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14 inclusive of costs and attorney's fees as limited by s. 768.28,
15 Florida Statutes.

16 Section 3. The county shall pay to the Agency for Health
17 Care Administration the amount due under s. 409.910, Florida
18 Statutes, if any, prior to disbursing any funds to the claimant.
19 The amount due shall be equal to all unreimbursed medical
20 payments paid by Medicaid up to the date upon which this act
21 becomes law.

22

23 (Redesignate subsequent sections.)

24

25 ===== T I T L E A M E N D M E N T =====

26 And the title is amended as follows:

27 Delete line(s) 32-35

28 and insert:

29 WHEREAS, a de novo review of the record reflects that a
30 more reasonable and appropriate apportionment of liability is
31 that Orange County was 51-percent liable in causing Angelica's
32 death, Angelica was 39-percent liable, and Stacie Wagner was
33 10-percent liable, which, with appropriate set-offs, reduces
34 the amount to \$752,080, and

35 WHEREAS, pursuant to the limitations on the waiver of
36 sovereign immunity set forth in s. 768.28, Florida Statutes,
37 Orange County has paid \$100,000, leaving a balance owed in the
38 amount of \$652,080, NOW, THEREFORE,