

By Senator Siplin

19-00174-08

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1 A bill to be entitled

2 An act relating to Orange County; providing for the relief
3 of Stacie Wagner (formerly known as Stacie Reyes), mother
4 of decedent Angelica Hernandez, a minor, for injuries and
5 damages resulting in the death of the minor child due to
6 the negligence of an employee of the Orange County Fire
7 Department; providing for an appropriation; providing a
8 limitation on the payment of fees and costs; providing an
9 effective date.

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

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

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

24 WHEREAS, the jury having found that Orange County was 61-
25 percent liable in causing Angelica's death and that Angelica was
26 39-percent liable, the award was reduced to \$858,880, and

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

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

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

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

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

41 Section 2. Orange County is authorized and directed to
42 appropriate from funds of the county not otherwise encumbered and
43 draw a warrant payable to Stacie Wagner, mother of decedent minor
44 Angelica Hernandez, for the total amount of \$800,880, as
45 compensation for injuries and damages sustained due to the death
46 of her daughter as a result of the negligence of an employee of
47 the Orange County Fire Department.

48 Section 3. This award is intended to provide the sole
49 compensation for all present and future claims arising out of the
50 factual situation described in this act which resulted in the
51 death of Angelica Hernandez. The total amount paid for attorney's
52 fees, lobbying fees, costs, and other similar expenses relating
53 to this claim may not exceed 25 percent of the amount awarded
54 under this act.

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