

By Senator Polsky

29-00110-21

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1 A bill to be entitled

2 An act for the relief of Ricardo Medrano-Arzate and
3 Eva Chavez-Medrano, as personal representatives of
4 Hilda Medrano, by the Okeechobee County Sheriff's
5 Office; providing for an appropriation to compensate
6 them for the damages awarded in connection with the
7 death of their daughter as a result of the negligence
8 of the Okeechobee County Sheriff's Office; providing a
9 limitation on the payment of fees; providing an
10 effective date.

11
12 WHEREAS, shortly after 2 a.m. on December 1, 2013, Hilda
13 Medrano was riding in the passenger side of her cousin's
14 vehicle, travelling eastbound on S.R. 70 in downtown Okeechobee,
15 and

16 WHEREAS, at the same time, Okeechobee County Sheriff's
17 Deputy Joseph Gracie was driving westbound on S.R. 70 at a speed
18 in excess of 95 mph while responding, as backup, to a minor
19 disturbance in the western part of Okeechobee, and

20 WHEREAS, the speed limit on that portion of S.R. 70 is 35
21 mph, and

22 WHEREAS, Deputy Gracie recklessly sped without activating
23 his emergency lights or sirens to warn other motorists in the
24 area of his presence or that he was driving at such a high rate
25 of speed, and

26 WHEREAS, Deputy Gracie's police cruiser struck the vehicle
27 in which Hilda Medrano was a passenger on the passenger side
28 door at a speed of 87 mph, killing Hilda Medrano and her cousin
29 and severely injuring a third woman in the back of the vehicle,

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30 and

31 WHEREAS, an Okeechobee County Sheriff's Office internal
32 affairs department investigation found that Deputy Gracie's
33 actions were unbecoming of an officer and in violation of four
34 standing operating procedures of the Okeechobee County Sheriff's
35 Office, and

36 WHEREAS, at the time of her death, Hilda Medrano was a 21-
37 year-old college student with dreams of becoming an X-ray
38 technician, and

39 WHEREAS, Hilda Medrano's parents, Ricardo Medrano-Arzate
40 and Eva Chavez-Medrano, are legal immigrants to the United
41 States who came to this country to work and provide their
42 children with opportunities to achieve the American dream and
43 have resided in the Mexican-American community in Okeechobee for
44 more than 30 years, and

45 WHEREAS, Ricardo Medrano-Arzate's and Eva Chavez-Medrano's
46 dreams for their daughter Hilda Medrano were destroyed by the
47 reckless actions of Deputy Gracie, and

48 WHEREAS, after a 4-day trial, a jury awarded Ricardo
49 Medrano-Arzate and Eva Chavez-Medrano, as personal
50 representatives of their daughter Hilda Medrano, \$5 million in
51 damages after finding that Deputy Gracie was 88.5 percent liable
52 for the collision, and that decision was affirmed by the Fourth
53 District Court of Appeal, and

54 WHEREAS, in accordance with the statutory limits of
55 liability set forth in s. 768.28, Florida Statutes, the
56 Okeechobee County Sheriff's Office settled the claims of the
57 other two victims, but have not paid any money toward the
58 damages awarded to Ricardo Medrano-Arzate and Eva Chavez-

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59 Medrano, as personal representatives of Hilda Medrano, NOW,
60 THEREFORE,

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

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

66 Section 2. The Okeechobee County Sheriff's Office is
67 authorized and directed to appropriate from funds not otherwise
68 encumbered and to draw a warrant in the sum of \$5 million
69 payable to Ricardo Medrano-Arzate and Eva Chavez-Medrano as
70 compensation for damages awarded in connection with the death of
71 their daughter Hilda Medrano.

72 Section 3. The amount paid by the Okeechobee County
73 Sheriff's Office and awarded under this act is intended to
74 provide the sole compensation for all present and future claims
75 arising out of the factual situation described in this act which
76 resulted in the award of damages to Ricardo Medrano-Arzate and
77 Eva Chavez-Medrano, as personal representatives of Hilda
78 Medrano. The total amount paid for attorney fees relating to
79 this claim may not exceed 25 percent of the amount awarded under
80 this act.

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