

By Senator Polsky

30-00064-23

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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 of funds to pay
6 Ricardo Medrano-Arzate and Eva Chavez-Medrano for the
7 damages awarded in connection with the death of their
8 daughter as a result of the negligence of the
9 Okeechobee County Sheriff's Office; providing a
10 limitation on the payment of compensation, attorney
11 and lobbying fees, and costs or similar expenses;
12 providing an effective date.

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14 WHEREAS, shortly after 2 a.m. on December 1, 2013, Hilda
15 Medrano was riding in the passenger side of her cousin's
16 vehicle, traveling eastbound on State Road 70 in downtown
17 Okeechobee, and

18 WHEREAS, at the same time, Okeechobee County Sheriff's
19 Deputy Joseph Gracie was driving westbound on State Road 70 at a
20 speed in excess of 95 miles per hour while responding as backup
21 to a 911 call for law enforcement assistance, and

22 WHEREAS, the speed limit on that portion of State Road 70
23 is 35 miles per hour, and

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

28 WHEREAS, Deputy Gracie's police cruiser struck the vehicle
29 in which Hilda Medrano was a passenger on the passenger side

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30 door at a speed of 87 miles per hour, killing Hilda Medrano and
31 her cousin and severely injuring a second passenger in that
32 vehicle, and

33 WHEREAS, the Florida Highway Patrol's investigation found
34 that Deputy Gracie violated s. 316.126(3) and (5), Florida
35 Statutes, and

36 WHEREAS, an Okeechobee County Sheriff's Office internal
37 affairs department investigation found that Deputy Gracie's
38 actions were unbecoming of an officer and in violation of four
39 standard operating procedures of the Okeechobee County Sheriff's
40 Office, and

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

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

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

53 WHEREAS, after a 4-day trial, a jury awarded Ricardo
54 Medrano-Arzate and Eva Chavez-Medrano, as personal
55 representatives of Hilda Medrano, \$5 million in damages, and

56 WHEREAS, based on the jury's apportionment of fault,
57 finding that Deputy Gracie was 88.5 percent liable for the
58 collision, the trial court reduced the jury's award to

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59 \$4,425,000, and that decision was affirmed by the Fourth
60 District Court of Appeal, and

61 WHEREAS, in accordance with the statutory limits of
62 liability set forth in s. 768.28, Florida Statutes, the
63 Okeechobee County Sheriff's Office settled the claims of the
64 other two victims but has not paid any money toward the damages
65 awarded to Ricardo Medrano-Arzate and Eva Chavez-Medrano, as
66 personal representatives of Hilda Medrano, NOW, THEREFORE,

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

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

72 Section 2. The Okeechobee County Sheriff's Office is
73 authorized and directed to appropriate from funds not otherwise
74 encumbered and to draw a warrant in the sum of \$4,425,000
75 payable to Ricardo Medrano-Arzate and Eva Chavez-Medrano for
76 damages awarded in connection with the death of their daughter,
77 Hilda Medrano.

78 Section 3. The amount paid by the Okeechobee County
79 Sheriff's Office and awarded under this act is intended to
80 provide the sole compensation for all present and future claims
81 arising out of the factual situation described in this act which
82 resulted in the award of damages to Ricardo Medrano-Arzate and
83 Eva Chavez-Medrano, as personal representatives of Hilda
84 Medrano. The total amount paid for attorney fees relating to
85 this claim may not exceed \$885,000, the total amount paid for
86 lobbying fees may not exceed \$221,250, and the total amount paid
87 for costs or other similar expenses may not exceed \$4,030.89.

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