

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.

13
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

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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
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
 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
 71 | are 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 four warrants in the sum of \$300,000
 75 | each, payable to Ricardo Medrano-Arzate and Eva Chavez-Medrano

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76 for damages awarded in connection with the death of their
77 daughter, Hilda Medrano. The first \$300,000 shall be paid within
78 30 days of the effective date of this act, and the three
79 remaining payments shall each be paid by July 1 of each of the
80 following years.

81 Section 3. The amount paid by the Okeechobee County
82 Sheriff's Office and awarded under this act is intended to
83 provide the sole compensation for all present and future claims
84 arising out of the factual situation described in this act which
85 resulted in the award of damages to Ricardo Medrano-Arzate and
86 Eva Chavez-Medrano, as personal representatives of Hilda
87 Medrano. The total amount paid for attorney fees relating to
88 this claim may not exceed \$240,000, the total amount paid for
89 lobbying fees may not exceed \$60,000, and the total amount paid
90 for costs or other similar expenses may not exceed \$4,945.49.

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