

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,

61  
62 Be It Enacted by the Legislature of the State of Florida:

63  
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.