

By Senator Polsky

29-00157-22

202264__

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 and attorney
11 fees; providing an effective date.
12

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

17 WHEREAS, at the same time, Okeechobee County Sheriff's
18 Deputy Joseph Gracie was driving westbound on State Road 70 at a
19 speed in excess of 95 miles per hour while responding, as
20 backup, to a minor disturbance in the western part of
21 Okeechobee, 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 or 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

29-00157-22

202264__

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

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

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

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

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

56 WHEREAS, in accordance with the statutory limits of
57 liability set forth in s. 768.28, Florida Statutes, the
58 Okeechobee County Sheriff's Office settled the claims of the

29-00157-22

202264__

59 other two victims but has not paid any money toward the damages
60 awarded to Ricardo Medrano-Arzate and Eva Chavez-Medrano, as
61 personal representatives of Hilda Medrano, NOW, THEREFORE,
62

63 Be It Enacted by the Legislature of the State of Florida:
64

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

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

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

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