

## CHAPTER 2023-324

### Committee Substitute for Senate Bill No. 12

An act for the relief of Ricardo Medrano-Arzate and Eva Chavez-Medrano, as personal representatives of Hilda Medrano, by the Okeechobee County Sheriff's Office; providing for an appropriation of funds to pay Ricardo Medrano-Arzate and Eva Chavez-Medrano for the damages awarded in connection with the death of their daughter as a result of the negligence of the Okeechobee County Sheriff's Office; providing a limitation on the payment of compensation, attorney and lobbying fees, and costs or similar expenses; providing an effective date.

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

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

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

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

WHEREAS, Deputy Gracie's police cruiser struck the vehicle in which Hilda Medrano was a passenger on the passenger side door at a speed of 87 miles per hour, killing Hilda Medrano and her cousin and severely injuring a second passenger in that vehicle, and

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

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

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

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

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

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

WHEREAS, based on the jury's apportionment of fault, finding that Deputy Gracie was 88.5 percent liable for the collision, the trial court reduced the jury's award to \$4,425,000, and that decision was affirmed by the Fourth District Court of Appeal, and

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

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

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

Section 2. The Okeechobee County Sheriff's Office is authorized and directed to appropriate from funds not otherwise encumbered and to draw four warrants in the sum of \$300,000 each, payable to Ricardo Medrano-Arzate and Eva Chavez-Medrano for damages awarded in connection with the death of their daughter, Hilda Medrano. The first \$300,000 shall be paid within 30 days after the effective date of this act, and the three remaining payments shall each be paid by July 1 of each of the following years.

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

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

Approved by the Governor June 9, 2023.

Filed in Office Secretary of State June 9, 2023.