

By the Committee on Criminal Justice; and Senator Posey

307-1902-02

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A bill to be entitled

An act relating to the Sheriff of St. Lucie County; providing for the relief of William Hennelly and Anne Hennelly; authorizing and directing the St. Lucie County Sheriff's Office to compensate them for personal injuries they suffered due to the negligence of employees of the sheriff's office; providing an effective date.

WHEREAS, on February 17, 1996, William and Anne Hennelly, who were respectively 64 and 54 years of age, were occupants of a vehicle owned and operated by an acquaintance and were headed west on State Road A1A in Ft. Pierce, St. Lucie County, toward the intersection of Old Dixie Highway, and

WHEREAS, at the same time, a St. Lucie County sheriff's deputy was conducting a high-speed chase on the Old Dixie Highway in pursuit of a car that had been clocked at a speed of 58 miles per hour in a 35-mile-per-hour zone, and

WHEREAS, experts estimated that the high-speed pursuit was conducted at speeds in excess of 85 miles per hour, and

WHEREAS, the chase took place on a 1.4-mile stretch of Old Dixie Highway, a two-lane road lined by various businesses and homes and intersecting side streets, and

WHEREAS, when the car being chased by the deputy approached the intersection of State Road A1A, the driver of the pursued car ran the red light and struck the van in which Mr. and Mrs. Hennelly were passengers, causing both vehicles to catch fire, and

1 WHEREAS, Mr. and Mrs. Hennelly were rushed to a nearby
2 hospital emergency room, where they were admitted with severe
3 head, facial, bodily, and burn injuries, and where they
4 remained in comas for several weeks, and

5 WHEREAS, legal action was pursued and, at trial,
6 accident-reconstruction experts testified that the sheriff's
7 office had negligently conducted the pursuit, and

8 WHEREAS, in April 2000, a jury returned a verdict
9 finding the St. Lucie County Sheriff's Department 50-percent
10 at fault for the accident and for the injuries to Mr. and Mrs.
11 Hennelly, and

12 WHEREAS, after reducing the verdict for comparative
13 fault and calculating a setoff for no-fault benefits, the
14 circuit court entered a final judgment in the amount of
15 \$3,508,941 against the St. Lucie County Sheriff's Department
16 on June 1, 2000, NOW, THEREFORE,

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

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

22 Section 2. The St. Lucie County Sheriff's Office is
23 authorized and directed to appropriate from funds of the
24 sheriff's office not otherwise appropriated and to draw a
25 warrant payable to Anne Hennelly and William Hennelly for the
26 total amount of \$1,754,470.50, which amount includes statutory
27 attorney's fees and costs, for injuries and damages they
28 sustained due to the negligence of employees of the St. Lucie
29 County Sheriff's Office.

30 Section 3. This act shall take effect upon becoming a
31 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 76

The CS provides for payment by the St. Lucie County Sheriff's Office to Anne Hennelly and William Hennelly in the amount of \$1,754,470.50.