

By the Committees on Finance and Taxation; Criminal Justice;
and Senator Posey

314-2149-02

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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 \$1,250,000, 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
CS/SB 76

The Committee Substitute reduced the payment made by the St. Lucie County Sheriff's Office to Anne Hennelly and William Hennelly from \$1,754,470.50 to \$1,250,000.