

By Senator Rouson

19-00047-19

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1                   A bill to be entitled  
2           An act for the relief of Dylan Tompkins-Holmes by the  
3           Pinellas County Sheriff's Office; providing for an  
4           appropriation to compensate him for personal injuries  
5           and damages sustained as a result of the negligence of  
6           the Pinellas County Sheriff's Office; providing a  
7           limitation on the payment of attorney fees; providing  
8           an effective date.

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10           WHEREAS, at approximately 3 a.m. on December 30, 2015,  
11           Dylan Tompkins-Holmes, then 26 years of age, was riding as a  
12           passenger in a 2013 Honda Civic driven by his girlfriend when  
13           two Pinellas County Sheriff's Office deputies pulled over the  
14           vehicle for a welfare check, and

15           WHEREAS, Pinellas County Sheriff's Office Deputy Timothy  
16           Virden arrived on the scene as backup for the deputies who  
17           initiated the welfare check and approached the passenger side of  
18           the car, where Mr. Tompkins-Holmes was seated, and

19           WHEREAS, during the course of the welfare check, Deputy  
20           Virden made the decision to arrest Mr. Tompkins-Holmes for  
21           obstruction of justice, and

22           WHEREAS, during the course of the arrest, Deputy Virden  
23           twice searched Mr. Tompkins-Holmes, finding no weapons or  
24           contraband, and then handcuffed Mr. Tompkins-Holmes with his  
25           hands behind his back and escorted him to his patrol vehicle,  
26           and

27           WHEREAS, after Deputy Virden placed Mr. Tompkins-Holmes in  
28           the back seat of his patrol vehicle, he twice shot Mr. Tompkins-  
29           Holmes, whose hands were still securely handcuffed behind his

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30 back, and

31 WHEREAS, although the shooting was not captured on any  
32 videotaping device, Deputy Virden acknowledges that he fired his  
33 service weapon, striking Mr. Tompkins-Holmes, and

34 WHEREAS, as a result of the shooting, Mr. Tompkins-Holmes  
35 was hospitalized for an extended period of time and required  
36 three surgeries to his upper torso and left arm, and

37 WHEREAS, Mr. Tompkins-Holmes suffered scarring and  
38 disfigurement from the bullet and surgical wounds, has been  
39 diagnosed with depression and post-traumatic stress disorder,  
40 and, for an extended period of time, was unable to work, and

41 WHEREAS, to date, the medical costs associated with Mr.  
42 Tompkins-Holmes' injuries total approximately \$171,000, and

43 WHEREAS, Deputy Virden stipulates that, at the time of the  
44 shooting, he was working within the course and scope of his  
45 employment with the Pinellas County Sheriff's Office, and

46 WHEREAS, Mr. Tompkins-Holmes filed suit against Robert  
47 Gualtieri in his capacity as Sheriff of Pinellas County and the  
48 parties reached a settlement agreement, as a result of which Mr.  
49 Tompkins-Holmes received \$200,000 pursuant to the sovereign  
50 immunity limits of liability set forth in s. 768.28, Florida  
51 Statutes, and

52 WHEREAS, Mr. Tompkins-Holmes also filed suit against Deputy  
53 Virden individually, and the parties agreed that \$750,000 is a  
54 fair and reasonable measure of Mr. Tompkins-Holmes' damages  
55 based on the totality of his past and future economic and  
56 noneconomic damages, and

57 WHEREAS, Deputy Virden entered into a stipulated motion for  
58 entry of a final judgment against him related to any present or

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59 future claims made by Mr. Tompkins-Holmes in connection with the  
60 shooting, NOW, THEREFORE,

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

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

66 Section 2. The Pinellas 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 \$750,000 payable  
69 to Dylan Tompkins-Holmes as compensation for personal injuries  
70 and damages sustained.

71 Section 3. The amount paid by the Pinellas County Sheriff's  
72 Office pursuant to s. 768.28, Florida Statutes, and the amount  
73 awarded under this act are intended to provide the sole  
74 compensation for all present and future claims arising out of  
75 the factual situation described in this act which resulted in  
76 personal injuries and damages to Dylan Tompkins-Holmes, and the  
77 Pinellas County Sheriff's Office and Deputy Timothy Virden are  
78 hereby released from any further liability. The total amount  
79 paid for attorney fees relating to this claim may not exceed 25  
80 percent of the total amount awarded under this act.

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