

By Senator Polsky

29-00197-22

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1                                   A bill to be entitled  
2       An act for the relief of Julia Perez by the St. Johns  
3       County Sheriff's Office; providing for compensation to  
4       Julia Perez for personal injuries and damages she  
5       suffered as a result of the negligence of an employee  
6       of the St. Johns County Sheriff's Office; providing  
7       legislative intent for the waiver of certain liens;  
8       providing a limitation on compensation and the payment  
9       of attorney fees; providing an effective date.

10  
11       WHEREAS, on April 7, 2019, Julia Perez, age 51, and Tom  
12       Eiland, age 59, were both helmeted and lawfully operating  
13       separate motorcycles within the posted speed limit traveling  
14       eastbound in the correct travel lane on State Road 16 in  
15       unincorporated St. Johns County, and

16       WHEREAS, at the same time, Deputy Brandon Hetzler, age 28,  
17       a newly sworn employee of the St. Johns County Sheriff's Office  
18       (SJSO), acting in the course and scope of his employment, was  
19       operating a marked SJSO patrol vehicle and traveling westbound  
20       in the left turn lane on State Road 16 at the intersection of  
21       Harvest Lane, and

22       WHEREAS, at approximately 5:09 p.m., the sky was clear, the  
23       road was dry, and it was daylight when Deputy Hetzler suddenly  
24       entered the intersection of State Road 16 and Harvest Lane and  
25       attempted a left turn directly in front of both motorcycles, and

26       WHEREAS, the right front side of Deputy Hetzler's vehicle  
27       collided with the front of Ms. Perez's motorcycle, causing her  
28       to be ejected from her motorcycle, after which she made contact  
29       with the hood of the patrol car and was propelled over the roof,

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30 striking the trunk before landing on the pavement of State Road  
31 16, and

32 WHEREAS, the right front side of Deputy Hetzler's vehicle  
33 collided with the left side of Mr. Eiland's motorcycle, ejecting  
34 Mr. Eiland from his motorcycle and onto the pavement, and

35 WHEREAS, traffic crash investigators for the Florida  
36 Highway Patrol conducted an extensive investigation into the  
37 accident, which included preparation for a traffic homicide  
38 reconstruction due to Ms. Perez's grave condition, and

39 WHEREAS, witnesses on the scene told investigators that at  
40 the time of the crash the eastbound traffic had a steady green  
41 signal and that Ms. Perez and Mr. Eiland had the right of way,  
42 and

43 WHEREAS, the investigation revealed that Deputy Hetzler had  
44 just overheard a service call and was responding to it; however,  
45 he did not activate his siren or emergency lights, and

46 WHEREAS, the investigation determined that the actions of  
47 Ms. Perez and Mr. Eiland were not contributing factors in the  
48 collisions, and

49 WHEREAS, the Florida Highway Patrol investigation found  
50 Deputy Hetzler to be at fault in the accident and issued him a  
51 traffic citation for failure to yield to oncoming traffic in  
52 violation of s. 316.122, Florida Statutes, and

53 WHEREAS, SJSO Policy 61.16 states, "It shall be the  
54 responsibility of each employee to operate agency vehicles  
55 efficiently, maintain the vehicle, and drive the vehicle in  
56 observance of all rules of the road in order to reduce the  
57 likelihood of traffic crashes or injury," and

58 WHEREAS, SJSO Policy 61.16 also states, "All crashes and

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59 incidents involving agency vehicle damage shall be reviewed by  
60 the Traffic Crash Review Board within thirty days of the crash,"  
61 and

62 WHEREAS, the SJSO Traffic Crash Review Board found Deputy  
63 Hetzler to be at fault for causing the crash and injuries, and

64 WHEREAS, Deputy Hetzler's negligence was the sole cause of  
65 the collision, and

66 WHEREAS, Ms. Perez suffered multiple open and comminuted  
67 fractures of the pelvis, arms, and legs, as well as organ  
68 lacerations and punctures, including a punctured left lung,  
69 resulting in cardiopulmonary arrest due to loss of blood, and

70 WHEREAS, Ms. Perez was found unresponsive at the scene of  
71 the accident and had to be resuscitated on the street by first  
72 responders before St. Johns County Fire Rescue arrived to assume  
73 rescue efforts, and

74 WHEREAS, Ms. Perez was intubated in the field and rushed to  
75 the Trauma Center at Memorial Hospital Jacksonville, arriving  
76 comatose and undergoing a series of blood transfusions, and

77 WHEREAS, Ms. Perez spent 3 months on a ventilator and  
78 feeding tube, battled pulmonary embolism, deep vein thrombosis,  
79 and episodes of pneumonia, suffered at least one myocardial  
80 infarction, and endured multiple systemic infections, and

81 WHEREAS, Ms. Perez was unconscious for 3 months and  
82 bedridden for 7 months, resulting in two painful bed sores, and

83 WHEREAS, in July of 2019, while turning Ms. Perez to  
84 prevent pressure sores, a nurse re-injured her fractured arm,  
85 and

86 WHEREAS, in August of 2019, Ms. Perez's bladder was  
87 inadvertently nicked during a surgery to insert a plate into her

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88 pelvis, causing internal bleeding and necessitating a repair  
89 surgery, and

90 WHEREAS, Ms. Perez remained hospitalized and in a nursing  
91 home for almost 8 months following the crash, and

92 WHEREAS, being bedridden and immobile has caused bowel  
93 obstructions leading to multiple emergency room visits, and

94 WHEREAS, because of blood loss and infection, Ms. Perez has  
95 suffered renal tubular necrosis and permanent kidney failure,  
96 and

97 WHEREAS, Mr. Eiland transports Ms. Perez to Jacksonville  
98 three times per week for kidney dialysis because she is in  
99 chronic, end-stage kidney failure, meaning she will either go on  
100 a kidney donor list as a candidate for transplant or remain on  
101 dialysis for the rest of her life, and

102 WHEREAS, Ms. Perez suffers from incontinence and, due to  
103 her dialysis catheter, she is unable to shower or bathe, relying  
104 instead on a process of cleaning herself with wet towelettes  
105 which typically takes an hour or more to complete, and

106 WHEREAS, Ms. Perez suffers substantial bodily pain when  
107 trying to accomplish simple tasks of daily living and  
108 experiences interrupted sleep on a nightly basis, and

109 WHEREAS, Ms. Perez suffers from chronic migraine headaches  
110 and severe elevated blood pressure, which has resulted in  
111 multiple emergency care visits, and

112 WHEREAS, Ms. Perez has symptoms of traumatic head injury,  
113 including memory loss, confusion, communication difficulties,  
114 fatigue, frustration, and depression, and is under the treatment  
115 of a neurologist, and

116 WHEREAS, Ms. Perez has undergone dozens of surgeries and is

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117 faced with countless more, and past medical bills amount to more  
118 than \$4 million for her care and treatment due to injuries  
119 resulting from the crash, and

120 WHEREAS, the cost of future medical care, treatment, and  
121 equipment needs is estimated to be \$6 million over the course of  
122 her life expectancy, and

123 WHEREAS, Ms. Perez's health insurance was recently switched  
124 from Cigna to Blue Cross, which requires a copay of 40 percent,  
125 and

126 WHEREAS, Ms. Perez seeks the total sum of \$15 million in  
127 equitable relief from the Legislature for the satisfaction of  
128 her injuries and damages, NOW, THEREFORE,

129

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

131

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

134 Section 2. The St. Johns County Sheriff's Office is  
135 authorized and directed to appropriate from funds not otherwise  
136 encumbered and to pay Julia Perez an initial lump sum of \$5  
137 million. For 5 years following the initial lump sum payment, the  
138 St. Johns County Sherriff's Office shall annually pay Julia  
139 Perez \$2 million, for a total payment of \$15 million as  
140 compensation for the injuries and damages sustained by Julia  
141 Perez due to the negligence of an employee of the St. Johns  
142 County Sheriff's Office.

143 Section 3. It is the intent of the Legislature that all  
144 lien interests held by the state, if any, resulting from the  
145 treatment and care of Julia Perez for the occurrences described

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146 in this act are waived.

147 Section 4. The amount awarded under this act is intended to  
148 provide the sole compensation for all present and future claims  
149 arising out of the factual situation described in the preamble  
150 to this act. The total amount paid for attorney fees relating to  
151 this claim may not exceed 25 percent of the amount awarded under  
152 this act.

153 Section 5. This act shall take effect upon becoming a law.