

By Senator Bradley

6-00102-23

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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 an
4 appropriation to compensate Julia Perez for personal
5 injuries and damages sustained as a result of the
6 negligence of an employee of the St. Johns County
7 Sheriff's Office; providing legislative intent for the
8 waiver of certain lien interests; providing a
9 limitation on compensation and the payment of attorney
10 fees; providing an effective date.

11
12 WHEREAS, at 5:09 p.m. on April 7, 2019, Julia Perez, then
13 51 years of age, and her companion, Tom Eiland, then 59 years of
14 age, were both wearing helmets and lawfully operating separate
15 motorcycles within the posted speed limit, traveling east on
16 State Road 16 in the correct travel lane in unincorporated St.
17 Johns County, and

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

24 WHEREAS, the afternoon sky was clear, the road was dry, and
25 there were no obstructions when Deputy Hetzler suddenly entered
26 the intersection of State Road 16 and Harvest Lane and attempted
27 a left turn directly in front of both motorcycles operated by
28 Ms. Perez and Mr. Eiland, and

29 WHEREAS, the front right side of Deputy Hetzler's vehicle

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30 collided with the front of Ms. Perez's motorcycle, ejecting Ms.
31 Perez from her motorcycle, with her making contact with the hood
32 of the patrol car and propelling over the roof, striking the
33 trunk before she landed on the pavement of State Road 16, and

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

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

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

45 WHEREAS, the investigation revealed that Deputy Hetzler had
46 overheard a service call and was responding to it but he did not
47 activate his siren or emergency lights, and

48 WHEREAS, the investigation determined that the actions of
49 Ms. Perez and Mr. Eiland were reasonable and did not contribute
50 to or cause the collisions, and

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

55 WHEREAS, SJSO policy 61.16 states, "It shall be the
56 responsibility of each employee to operate agency vehicles
57 efficiently, maintain the vehicle, and drive the vehicle in
58 observance of all rules of the road in order to reduce the

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59 likelihood of traffic crashes or injury," and

60 WHEREAS, SJSO policy 61.16 also states, "All crashes and
61 incidents involving agency vehicle damage shall be reviewed by
62 the Traffic Crash Review Board within thirty days of the crash,"
63 and

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

66 WHEREAS, Deputy Hetzler's negligence was the sole cause of
67 the collision, and

68 WHEREAS, the St. Johns County Sheriff's Office admitted
69 negligence for causing the collision and liability for Ms.
70 Perez's injuries, and

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

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

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

82 WHEREAS, Ms. Perez spent 3 months on a ventilator and
83 feeding tube; battled a pulmonary embolism, a deep vein
84 thrombosis, and episodes of pneumonia; suffered at least one
85 myocardial infarction; and endured multiple systemic infections,
86 and

87 WHEREAS, Ms. Perez was unconscious for 3 months and

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88 bedridden for 7 months, resulting in two painful bed sores, and

89 WHEREAS, in July of 2019, a nurse reinjured Ms. Perez's
90 fractured arm while turning her to prevent pressure sores, and

91 WHEREAS, in August of 2019, Ms. Perez's bladder was
92 inadvertently nicked during a surgery to insert a plate into her
93 pelvis, causing internal bleeding and necessitating a repair
94 surgery, and

95 WHEREAS, Ms. Perez remained hospitalized and was in a
96 nursing home for almost 8 months following the crash, and

97 WHEREAS, being bedridden and immobile has caused Ms. Perez
98 to suffer bowel obstructions, leading to multiple emergency care
99 visits, and

100 WHEREAS, because of blood loss and infection, Ms. Perez has
101 suffered renal tubular necrosis and permanent kidney injury, and

102 WHEREAS, Mr. Eiland has transported Ms. Perez to
103 Jacksonville three times per week for kidney dialysis because
104 she is in chronic, end-stage kidney failure, meaning she will
105 likely either be placed on a kidney donor list as a transplant
106 candidate or be on dialysis for the rest of her life, and

107 WHEREAS, Ms. Perez suffers from incontinence and, due to
108 her dialysis catheter, is unable to shower or bathe, and instead
109 relies on a process of cleaning herself with wet towelettes,
110 which typically takes an hour or longer to complete, and

111 WHEREAS, Ms. Perez suffers from substantial pain when
112 trying to accomplish simple tasks of daily living and
113 experiences interrupted sleep on a nightly basis, and

114 WHEREAS, Ms. Perez suffers from chronic migraine headaches
115 and severe elevated blood pressure, which has resulted in
116 multiple emergency care visits, and

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117 WHEREAS, Ms. Perez has suffered a traumatic brain injury as
118 a result of the crash, causing memory loss, confusion,
119 communication difficulties, fatigue, frustration, and
120 depression, and she is under the treatment of a neurologist, and

121 WHEREAS, Ms. Perez has undergone dozens of surgeries and is
122 faced with many more, and past medical bills and liens amount to
123 more than \$3,863,108.09 for her care and treatment, all due to
124 injuries resulting from the crash, and

125 WHEREAS, the costs of future medical care, treatment, and
126 equipment is estimated to be between \$3,318,811.56 and
127 \$4,077,923.57 over the course of her 30-year life expectancy,
128 and

129 WHEREAS, Ms. Perez is totally disabled, and her loss of
130 earning capacity is conservatively estimated to be \$282,110,
131 based on her full Social Security retirement age of 67 and a
132 minimum-wage earning capacity, and

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

136

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

138

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

141 Section 2. The St. Johns County Sheriff's Office is
142 authorized and directed to appropriate from funds of the county
143 not otherwise encumbered and to pay Julia Perez \$15 million, or
144 an alternative amount not to exceed \$15 million in the event the
145 parties reach an agreement, to compensate her for the injuries

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146 and damages she sustained due to the negligence of an employee
147 of the St. Johns County Sheriff's Office.

148 Section 3. It is in the intent of the Legislature that all
149 lien interests held by the state, if any, resulting from the
150 treatment and care of Julia Perez for the occurrences described
151 in this act are waived.

152 Section 4. The amount awarded under this act is intended to
153 provide the sole compensation for all present and future claims
154 arising out of the factual situation described in this act which
155 resulted in injuries and damages to Julia Perez. The total
156 amount paid for attorney fees relating to this claim may not
157 exceed 25 percent of the total amount awarded under this act.

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