

HB 6023

2023

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

HB 6023

2023

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  
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  
 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  
 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

HB 6023

2023

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  
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  
 140 are 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  
 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

HB 6023

2023

151 in this act are waived.

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

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