

By Senator Bradley

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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 being propelled over the roof, striking
33 the trunk before she landed on the pavement of State Road 16,
34 and

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

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

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

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

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

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

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

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59 observance of all rules of the road in order to reduce the
60 likelihood of traffic crashes or injury," and

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

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

67 WHEREAS, Deputy Hetzler's negligence was the sole cause of
68 the collisions, and

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

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

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

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

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

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88 WHEREAS, Ms. Perez was unconscious for 3 months and
89 bedridden for 7 months, resulting in two painful pressure sores,
90 and

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

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

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

99 WHEREAS, being bedridden and immobile have caused Ms. Perez
100 to suffer bowel obstructions, leading to multiple emergency care
101 visits, and

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

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

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

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

116 WHEREAS, Ms. Perez suffers from chronic migraine headaches

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117 and severely elevated blood pressure, which has resulted in
118 multiple emergency care visits, and

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

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

127 WHEREAS, the costs of future medical care, treatment, and
128 equipment is estimated to be between \$3,318,811.56 and
129 \$4,077,923.57 over the course of her 30-year life expectancy,
130 and

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

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

138

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

140

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

143 Section 2. The St. Johns County Sheriff's Office is
144 authorized and directed to appropriate from funds of the county
145 not otherwise encumbered and to pay Julia Perez \$15 million, or

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146 an alternative amount not to exceed \$15 million in the event the
147 parties reach an agreement, to compensate her for the injuries
148 and damages she sustained due to the negligence of an employee
149 of the St. Johns County Sheriff's Office.

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

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

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