

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee
 2 Representative Yarkosky offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

6 WHEREAS, at 5:09 p.m. on April 7, 2019, Julia Perez was
 7 wearing a helmet and lawfully operating a motorcycle within the
 8 posted speed limit, traveling east on State Road 16 in the
 9 correct travel lane in unincorporated St. Johns County, and

10 WHEREAS, at the same time, an employee of the St. Johns
 11 County Sheriff's Office (SJSO), acting in the course and scope
 12 of his employment, was operating a marked SJSO patrol vehicle,
 13 and traveling west on State Road 16, and

14 WHEREAS, the SJSO employee negligently entered the
 15 intersection of State Road 16 and Harvest Lane and attempted a

Amendment No. 1

16 left turn directly in front of the motorcycle operated by Ms.
17 Perez, and

18 WHEREAS, Ms. Perez's motorcycle struck the right side of
19 the SJSO vehicle, causing her to eject from her motorcycle and
20 impact the hood of the patrol car before she came to rest on the
21 pavement of State Road 16, and

22 WHEREAS, the Florida Highway Patrol's traffic crash
23 investigators conducted an extensive crash investigation of the
24 accident, including preparation for a traffic homicide
25 reconstruction due to Ms. Perez's grave condition, and

26 WHEREAS, witnesses on the scene told investigators that, at
27 the time of the crash, eastbound traffic had a steady green
28 signal, giving Ms. Perez the right of way, and

29 WHEREAS, the investigation determined that the actions of
30 Ms. Perez were reasonable and did not contribute to or cause the
31 collision, and

32 WHEREAS, the Florida Highway Patrol investigation found the
33 SJSO employee to be solely at fault for causing the accident and
34 issued him a traffic citation for failure to yield to oncoming
35 traffic in violation of s. 316.122, Florida Statutes, to which
36 he pled no contest, and

37 WHEREAS, the St. Johns County Sheriff's Office has admitted
38 its employee was negligent in causing the collision and liable
39 for Ms. Perez's injuries, and

Amendment No. 1

40 WHEREAS, Ms. Perez suffered catastrophic injuries, was
41 intubated and resuscitated at the crash site by local emergency
42 medical services, and was rushed to the Trauma Center at
43 Memorial Hospital Jacksonville, where she arrived comatose and
44 had to undergo a series of blood transfusions, and

45 WHEREAS, Ms. Perez suffered multiple open and comminuted
46 fractures of the pelvis, arms, and legs, as well as organ
47 lacerations and punctures, including a punctured left lung,
48 resulting in cardiopulmonary arrest due to blood loss, and
49 numerous complications including a pulmonary embolism, deep vein

50 thrombosis, and episodes of pneumonia; suffered at least one
51 myocardial infarction; endured multiple systemic infections,
52 bowel obstructions, a fractured arm, and a nicked artery, and

53 WHEREAS, Ms. Perez remained hospitalized and was in a
54 nursing home for almost eight months following the crash, and

55 WHEREAS, because of blood loss and infection, Ms. Perez
56 suffered renal tubular necrosis and a kidney injury, which
57 necessitated her to receive kidney dialysis for many months and
58 made it possible that she will need further kidney treatment in
59 the future, and

60 WHEREAS, Ms. Perez suffers from substantial pain when
61 trying to accomplish simple tasks of daily living and
62 experiences interrupted sleep on a nightly basis, chronic
63 migraine headaches, and severe elevated blood pressure, and

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Amendment No. 1

64 WHEREAS, Ms. Perez has suffered from memory loss,
65 confusion, communication difficulties, fatigue, frustration, and
66 depression, and she is under the treatment of a neurologist, and

67 WHEREAS, Ms. Perez has undergone dozens of surgeries and
68 faces many more, and

69 WHEREAS, Ms. Perez's past medical bills attributable to the
70 Crash and related liens amount to more than \$3,863,108.09, and

71 WHEREAS, the costs of Ms. Perez's future medical care and
72 related expenses is estimated to be as much as \$4,077,923.57
73 over the course of Ms. Perez's life, and

74 WHEREAS, Ms. Perez has been declared to be totally and
75 permanently disabled by her physicians, and her loss of earning
76 capacity is estimated to be \$282,110, based on her full Social
77 Security retirement age of 67 and a minimum-wage earning
78 capacity, and

79 WHEREAS, a lawsuit was filed on behalf of Ms. Perez and was
80 set for trial in the Circuit Court of the Seventh Judicial
81 Circuit, in and for St. Johns County, Florida, styled *Julia*
82 *Perez vs. Robert A. Hardwick, in his capacity as Sheriff of St.*
83 *Johns County*, Case No.: 2020-CA-387; however, the parties agreed
84 to a settlement amount of \$6.5 million before trial, and

85 WHEREAS, Ms. Perez has been paid the statutory limit of
86 \$200,000 by the St. Johns County Sheriff's Office's self-
87 insuring risk pool, leaving a balance of \$6.3 million which the
88 St. Johns County Sheriff's Office is willing to pay upon being

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Amendment No. 1

89 authorized to do so by the enactment of a claim bill pursuant to
90 s. 768.28, Florida Statutes, and

91 WHEREAS, the parties agree to support a claim bill that
92 authorizes and directs the St. Johns County Sheriff's Office to
93 appropriate from funds of the county and pay Julia Perez \$6.3
94 million, and

95 WHEREAS, Ms. Perez seeks the total sum of \$6.3 million in
96 relief from the Legislature for satisfaction of her injuries and
97 damages, NOW, THEREFORE,

98

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

100

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

103 Section 2. The St. Johns County Sheriff's Office is
104 authorized and directed to appropriate from funds of the county
105 not otherwise encumbered and pay Julia Perez \$6.3 million, to
106 compensate her for the injuries and damages she sustained due to
107 the negligence of an employee of the St. Johns County Sheriff's
108 Office.

109 Section 3. It is the intent of the Legislature that all
110 lien interests held by the state, if any, resulting from the
111 treatment and care of Julia Perez for the occurrences described
112 in this act are waived. It is the intent of the Legislature that
113 all Medicaid liens arising from the treatment and care of the

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Amendment No. 1

114 injuries and damages to Julia Perez described in this act shall
115 be waived.

116 Section 4. The amount awarded under this act is intended to
117 provide the sole compensation for all present and future claims
118 arising out of the factual situation described in this act which
119 resulted in injuries and damages to Julia Perez. The total
120 amount paid for attorney fees relating to this claim may not
121 exceed 25 percent of the total amount awarded under this act.

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

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124

125

T I T L E A M E N D M E N T

126

Remove everything before the enacting clause and insert:

127

An act for the relief of Julia Perez by the St. Johns County

128

Sheriff's Office; providing for an appropriation to compensate

129

Julia Perez for personal injuries and damages sustained as a

130

result of the negligence of an employee of the St. Johns County

131

Sheriff's Office; providing legislative intent for the waiver of

132

certain lien interests; providing a limitation on compensation

133

and the payment of attorney fees; providing an effective date.