

HB 6007

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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

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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 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  
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

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  
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

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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  
 142 | are 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  
 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

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

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