

1                   A bill to be entitled  
2           An act relating to the relief of Maury Hernandez;  
3           providing an appropriation to compensate Maury  
4           Hernandez, a former Broward County Sheriff's Deputy,  
5           for injuries and damages sustained as a consequence of  
6           the Department of Corrections' failures to enforce  
7           probation laws, regulations, and policies; providing  
8           legislative intent that certain liens be waived;  
9           providing a limitation on the payment of compensation  
10          and attorney fees; providing an effective date.

11  
12          WHEREAS, at 11:45 a.m. on August 6, 2007, Broward County  
13          Sheriff's Deputy Maury Hernandez, then 28 years of age, was  
14          operating a vehicle assigned to him by the sheriff's office and  
15          within its jurisdiction when he observed David Maldonado, then  
16          23 years of age, the operator of a motorcycle, fail to stop at  
17          three traffic signals on Pembroke Road, and

18          WHEREAS, Deputy Hernandez engaged his lights and stopped  
19          Mr. Maldonado at a location within the 3700 block of Pembroke  
20          Road, where he parked and got out of his vehicle, approached Mr.  
21          Maldonado, identified himself as a deputy sheriff, and displayed  
22          his badge, and

23          WHEREAS, Mr. Maldonado falsely identified himself as a  
24          police officer from Opa-locka and, when asked to produce  
25          identification, dropped his motorcycle, pushed Deputy Hernandez,

HB 6527

2025

26 | and fled on foot, at which time Deputy Hernandez gave chase,  
27 | also on foot, and

28 |       WHEREAS, during the chase, Mr. Maldonado suddenly turned  
29 | around and fired two rounds from a .45 caliber handgun, striking  
30 | Deputy Hernandez in the head, and

31 |       WHEREAS, although Deputy Hernandez was critically wounded,  
32 | he miraculously survived the shooting and was rushed to Memorial  
33 | Regional Hospital in Hollywood, where he was in a coma and was  
34 | placed on life support, and

35 |       WHEREAS, shortly after the shooting, Mr. Maldonado was  
36 | apprehended by Hollywood police in a nearby condominium complex  
37 | where he had attempted a carjacking, and

38 |       WHEREAS, Mr. Maldonado was ultimately charged and convicted  
39 | of attempted murder in the first degree and numerous probation  
40 | violations, and he is currently serving a life sentence, and

41 |       WHEREAS, four months before the shooting, on April 18,  
42 | 2007, Mr. Maldonado, a habitual traffic offender with a history  
43 | of multiple drug offenses and an illegal concealed weapon  
44 | conviction, pled no contest to felony traffic charges and was  
45 | placed on probation for 24 months, and

46 |       WHEREAS, the Department of Corrections' records document  
47 | that in April and May of 2007, before the shooting of Deputy  
48 | Hernandez, Mr. Maldonado twice admitted to his probation  
49 | officers that he illegally possessed a firearm in violation of  
50 | Florida law, the department's zero-tolerance policy, and the

HB 6527

2025

51 conditions of his probation supervision, but his probation  
52 officers simply warned him that he could not possess a weapon  
53 and did not report the violations to the state attorney or to  
54 the presiding circuit judge, and

55 WHEREAS, on June 28, 2007, Mr. Maldonado admitted a third  
56 probation violation for buying and using illegal drugs in  
57 violation of s. 948.03, Florida Statutes, which prohibits  
58 probationers from possessing drugs or narcotics unless  
59 prescribed by a physician, and violating the conditions of his  
60 probation, but the probation officer failed to report the  
61 violation, and

62 WHEREAS, under s. 948.03, Florida Statutes (now s. 790.23,  
63 Florida Statutes), Mr. Maldonado was prohibited from possessing,  
64 carrying, or owning any firearm unless authorized by the court,  
65 and

66 WHEREAS, s. 944.09, Florida Statutes, requires the  
67 Department of Corrections to supervise probationers, stay  
68 informed about the probationers' conduct, and cooperate with  
69 circuit courts exercising criminal jurisdiction over  
70 probationers, and

71 WHEREAS, rule 33-302.1031, Florida Administrative Code,  
72 implements s. 944.09, Florida Statutes, and provides that  
73 probation officers under the authority of the Department of  
74 Corrections are responsible for supervision and control of  
75 offenders, including enforcing conditions of supervision,

HB 6527

2025

76 | conducting investigations, and initiating arrest of offenders  
77 | under their supervision, as appropriate, with or without a  
78 | warrant, and

79 |       WHEREAS, rule 33-302.1031, Florida Administrative Code,  
80 | further provides that a probation officer must notify the  
81 | sentencing or releasing authority whenever the officer has  
82 | reasonable grounds to believe that a willful violation of any  
83 | condition of supervision has occurred, and

84 |       WHEREAS, in 2003, the Department of Corrections established  
85 | a zero-tolerance policy requiring probation officers to report  
86 | all technical violations committed by offenders on community  
87 | control to the court, and the department extended this policy in  
88 | 2004 to all offenders under community supervision in response to  
89 | several cases in which supervised offenders committed murders,  
90 | and

91 |       WHEREAS, the Department of Corrections modified its zero-  
92 | tolerance policy in August 2007 to require probation officers to  
93 | report only willful violations, such as the violations committed  
94 | by Mr. Maldonado, that are purposely committed by an offender or  
95 | over which the offender had control, and

96 |       WHEREAS, shortly after the shooting, and while Deputy  
97 | Hernandez remained hospitalized and struggling for his life, a  
98 | Department of Corrections' spokesperson defended the probation  
99 | officer's actions as "errors in judgment," stating that  
100 | "everything was done by the book," the department had counseled

101 the probation officer to "keep his case notes and records  
102 complete and up to date," and the probation officer had the  
103 support of, and remained employed by, the department despite his  
104 clear violations of the department's zero-tolerance policy, and

105 WHEREAS, by virtue of its zero-tolerance policy in effect  
106 at the time of Deputy Hernandez's shooting, the Department of  
107 Corrections had a nondiscretionary duty to timely report Mr.  
108 Maldonado's violations of law and the conditions of his  
109 probation to the state attorney's office and the presiding  
110 circuit judge, but failed to act on his repeated probation  
111 violations, and

112 WHEREAS, not only did the Department of Corrections fail to  
113 report Mr. Maldonado's illegal possession of a firearm, but his  
114 probation file showed the use of illegal drugs and was replete  
115 with omissions and false statements, including claims that Mr.  
116 Maldonado was a United States Marine headed to Iraq and worked  
117 as an armed security guard, even though it is illegal for felons  
118 and probationers to use drugs or possess a weapon, and

119 WHEREAS, Mr. Maldonado's 70-page probation file contained  
120 no evidence that the probation officers ever contacted his  
121 alleged employers to confirm his job status or made sure he had  
122 given up his weapons, and

123 WHEREAS, the Broward County Sheriff's investigation of  
124 Deputy Hernandez's shooting concluded that, had the Department  
125 of Corrections brought the repeated violations of Mr.

HB 6527

2025

126 Maldonado's probation to the attention of the state attorney and  
127 presiding circuit judge, Mr. Maldonado would have been in jail  
128 at the time of the shooting, and

129 WHEREAS, the state attorney's office for the Seventeenth  
130 Judicial Circuit in and for Broward County concurred that Mr.  
131 Maldonado's violations were "serious" and should have been  
132 reported by the Department of Corrections to the state attorney  
133 and the presiding circuit judge and, had Mr. Maldonado's  
134 violations been reported, he would have been jailed without bail  
135 and would not have been on the streets when he shot Deputy  
136 Hernandez, and

137 WHEREAS, after the shooting, the Department of Corrections  
138 announced that Mr. Maldonado's probation file had been turned  
139 over to the department's Office of Inspector General for review,  
140 but no report or any records of a department review exist, nor  
141 to this day has the department explained why Mr. Maldonado's  
142 multiple violations of law, department policy, and the terms of  
143 his probation were not enforced and reported to the state  
144 attorney and presiding circuit judge as required by law, and

145 WHEREAS, a lawsuit was filed on behalf of Deputy Hernandez  
146 in the Seventeenth Judicial Circuit which sought relief under s.  
147 768.28, Florida Statutes, but was dismissed by the trial court  
148 on January 27, 2016, the court holding that under existing  
149 Florida case law, the Department of Corrections owed no specific  
150 or special legal duty of care to Deputy Hernandez, who is

HB 6527

2025

151 without a legal or administrative remedy for his claim, and  
152 WHEREAS, despite the court's ruling that Deputy Hernandez  
153 is without a legal remedy, Florida legislative precedent dating  
154 back to 1831, as stated in the Legislative Claim Bill Manual  
155 (2022), defines a claim bill to be "a means by which an injured  
156 party may recover damages even though the public officer or  
157 agency involved may be immune from suit," and

158 WHEREAS, the Florida Supreme Court and appellate courts  
159 acknowledge relief for "equitable claims filed without an  
160 underlying excess judgment" or settlement, and the far-reaching  
161 circumstances under which the Legislature may extend equitable  
162 relief for an injured party even though the public officer or  
163 agency may be immune from suit, and

164 WHEREAS, these cases include *Gamble v. Wells*, 450 So.2d 850  
165 (Fla. 1984), holding that any claim bill, whether based on an  
166 existing judgment, a settlement, or an equitable claim, is an  
167 "act of legislative grace" and "a voluntary recognition of its  
168 moral obligation by the legislature," and is "firmly entrenched  
169 in legislative discretion"; *Searcy Denney, et al. vs. State of*  
170 *Fla.*, 209 So.3d 1181 (Fla. 2017), citing *Noel v. Schlesinger,*  
171 *P.A.*, 984 So.2d 1265 (Fla. 4th DCA 2008) and *Gamble v. Wells,*  
172 *supra*; *Dickinson v. Bradley*, 298 So.2d 352 (Fla. 1974), in which  
173 the Florida Supreme Court stated that the "purpose" of any  
174 legislative relief act is to "discharge the state's moral  
175 obligation to any individual or entity whom or which the

176 legislature recognizes as being entitled to such"; and *Jetton v.*  
177 *Jacksonville Electric Authority*, 399 So.2d 396, 397 (Fla. 1st  
178 DCA 1981), holding that while the Legislature has placed limits  
179 on recovery, "claimants remain free to seek legislative relief  
180 bills, as they did during days of complete sovereign immunity,"  
181 and

182 WHEREAS, the facts as set forth herein establish that the  
183 Department of Corrections failed to follow Florida statutes,  
184 regulations, and policies and take action to prevent a convicted  
185 felon on probation from possessing a weapon; enforce numerous  
186 other serious and willful probation violations committed by a  
187 probationer who falsely claimed to be a United States Marine;  
188 and supervise, investigate, enforce, and report any of these  
189 probation violations to the state attorney and presiding circuit  
190 judge as required by law, and

191 WHEREAS, this claim bill is supported by the Broward County  
192 Sheriff's Office, the Florida Police Benevolent Association, and  
193 the International Union of Police Associations, and

194 WHEREAS, given the unique and tragic set of circumstances  
195 of this case, including the attempted murder and permanent  
196 disability of a sworn Florida police officer who was critically  
197 and permanently injured in the line of duty, Deputy Hernandez is  
198 deserving of legislative grace and the Legislature's exercise of  
199 its exclusive authority to appropriate funds to compensate him  
200 for his injuries and economic damages, and



HB 6527

2025

201 WHEREAS, these injuries include permanent brain injuries  
202 and impairment, including hemiparesis to the entire left side of  
203 his body, severe motor and sensory nerve damage, spasticity,  
204 numbness and muscle weakness, impaired walking and balance,  
205 cognitive impairment, hydrocephalus treated with the insertion  
206 of a ventriculoperitoneal shunt that drains excess cerebrospinal  
207 fluid from his brain's ventricles into his abdomen, a silicone  
208 plate that covers a third of his skull, and fragments of the .45  
209 caliber bullet which remain permanently lodged in his brain, and

210 WHEREAS, Deputy Hernandez has endured multiple surgeries,  
211 including a tracheostomy, multiple brain surgeries,  
212 hydrocephalus shunt surgery, and months of inpatient hospital  
213 care, followed by a year of daylong physical, occupational,  
214 speech, visual, cognitive, and psychological therapy, and

215 WHEREAS, Deputy Hernandez continued to receive various  
216 therapies and medical care on a daily basis for more than 3  
217 years until his insurance provider discontinued payments to  
218 health care providers, and

219 WHEREAS, to regain and restore maximum medical stability,  
220 Deputy Hernandez needs to resume the medical care and  
221 professional therapy treatments he no longer receives, but he is  
222 without the financial resources to do so, and

223 WHEREAS, at the time of his injury, Deputy Hernandez was  
224 earning a salary of approximately \$60,000 annually with  
225 benefits, including medical and retirement benefits, and

HB 6527

2025

226 WHEREAS, Deputy Hernandez attempted to return to work at  
227 the Broward County Sheriff's Office but was unable to perform to  
228 minimum standards, and

229 WHEREAS, Deputy Hernandez has been declared by his  
230 physicians to be totally and permanently disabled, and he is  
231 unable to earn a living, and

232 WHEREAS, Deputy Hernandez has suffered economic damages,  
233 including lost income and the capacity to earn income and  
234 related benefits, including medical insurance and retirement  
235 benefits, and

236 WHEREAS, a life care plan and vocational impact report  
237 formulated by an independent certified comprehensive care plan  
238 company with more than 35 years of experience providing medical  
239 case management, vocational services, and rehabilitative  
240 services to individuals and insurance companies, in consultation  
241 with and reliance upon the opinions of Deputy Hernandez's  
242 physicians, assessed his future medical and life care needs,  
243 which will amount to \$2,243,981.97, and

244 WHEREAS, the study found that Deputy Hernandez's wage  
245 losses and earning capacity amount to \$3,353,924.70 had he  
246 remained in law enforcement, and

247 WHEREAS, a lien has been filed against Deputy Hernandez in  
248 the amount of \$1,133,448.06 by the workers' compensation insurer  
249 that paid benefits for past medical and wage-related expenses,  
250 and

HB 6527

2025

251 WHEREAS, Deputy Hernandez's total economic damages amount  
252 to approximately \$6,731,354.73, and

253 WHEREAS, in addition to his economic damages, Deputy  
254 Hernandez has suffered devastating permanent injuries and  
255 damages, including severe bodily injury, excruciating pain and  
256 suffering, total disability, physical and mental impairment,  
257 disfigurement, mental anguish, inconvenience, loss of enjoyment  
258 of life, and financial hardship, and

259 WHEREAS, Deputy Hernandez, without a legal or  
260 administrative remedy to seek redress for his injuries and  
261 damages, seeks equitable relief from the Legislature, NOW,  
262 THEREFORE,

263  
264 Be It Enacted by the Legislature of the State of Florida:  
265

266 **Section 1.** The facts stated in the preamble to this act  
267 are found and declared to be true.

268 **Section 2.** The Legislature acknowledges that the state's  
269 system of justice yielded an imperfect result in this case and  
270 that Maury Hernandez should be granted relief for the injuries  
271 and damages he suffered while in the line of duty as a  
272 consequence of the Department of Corrections' failure to enforce  
273 probation regulations and policies then in place, in violation  
274 of state law.

275 **Section 3.** The sum of \$5 million is appropriated from the

276 General Revenue Fund to the Department of Corrections for the  
277 relief of Maury Hernandez for injuries and damages sustained.

278 **Section 4.** The Chief Financial Officer is directed to draw  
279 a warrant in favor of Maury Hernandez in the amount of \$5  
280 million upon funds of the Department of Corrections in the State  
281 Treasury, and the Chief Financial Officer is directed to pay the  
282 same out of such funds in the State Treasury.

283 **Section 5.** It is the intent of the Legislature that any  
284 lien interests held by the state arising from the treatment and  
285 care of Maury Hernandez for the occurrences described in this  
286 act be waived.

287 **Section 6.** The amount awarded under this act is intended  
288 to provide the sole compensation for all present and future  
289 claims arising out of the factual situation described in this  
290 act. The total amount paid for attorney fees relating to this  
291 claim may not exceed 25 percent of the amount awarded under this  
292 act.

293 **Section 7.** This act shall take effect upon becoming a law.