



# THE FLORIDA SENATE

## SPECIAL MASTER ON CLAIM BILLS

*Location*  
408 The Capitol

*Mailing Address*  
404 South Monroe Street  
Tallahassee, Florida 32399-1100  
(850) 487-5237

November 16, 2000

SPECIAL MASTER'S FINAL REPORT	DATE	COMM	ACTION
President of the Senate Suite 409, The Capitol Tallahassee, Florida 32399-1100	11/16/00	SM CJ FR	Unfavorable

Re: SB 34 – Senator Ron Klein  
Relief of William & Anne Hennelly

THIS IS AN EXCESS JUDGMENT CLAIM FOR \$3,508,941 BASED ON A JURY VERDICT AGAINST THE ST. LUCIE COUNTY SHERIFF'S OFFICE TO COMPENSATE MR. AND MRS. HENNELLY FOR INJURIES AND DAMAGES THEY SUSTAINED AS A RESULT OF THE NEGLIGENCE OF EMPLOYEES OF THE ST. LUCIE COUNTY SHERIFF'S OFFICE IN CAUSING A MOTOR VEHICLE ACCIDENT. THIS BILL DIRECTS THAT MR. AND MRS. HENNELLY BE COMPENSATED FROM FUNDS OF THE SHERIFF'S OFFICE NOT OTHERWISE APPROPRIATED.

### FINDINGS OF FACT:

For the reasons discussed below, no Special Master hearing was conducted on this claim. Consequently, the following facts are taken from the Senate bill and are provided solely as background information.

On February 17, 1996 William and Anne Hennelly were passengers in a motor vehicle owned and operated by an acquaintance heading west on State Road A1A near the intersection with Old Dixie Highway in Ft. Pierce, St. Lucie County. At the same time a St. Lucie County sheriff's deputy was conducting a high-speed chase at speeds estimated to be in excess of 85 miles per hour on the Old Dixie Highway in pursuit of a car that had been clocked at a speed of 58 miles per hour in a 35-mile-per-hour zone. As the vehicle being chased by the sheriff's deputy approached the intersection of Old Dixie Highway and St. Road A1A, the

driver failed to stop for the red light and struck the vehicle in which Mr. and Mrs. Hennelly were passengers causing both vehicles to catch fire.

As a result of the collision and resulting fire Mr. and Mrs. Hennelly sustained severe burns and injuries to the head, face, and body and were in comas for several weeks.

In April of 2000 a jury returned a verdict finding the St. Lucie County Sheriff's Department 50 percent at fault for the accident and the injuries sustained by Mr. and Mrs. Hennelly. After the jury award was reduced for comparative negligence and setoff of no-fault benefits, a final judgment was entered in the amount of \$3,508,941 against the St. Lucie County Sheriff's Department on June 1, 2000. This claim bill is for that amount.

CONCLUSIONS OF LAW:

Senate Rule 4.81(f), states:

The hearing and consideration of a claim, any element of which is pending in litigation, shall be held in abeyance until all judicial activity thereon, ***including any appellate proceedings***, shall have come to rest. (Emphasis supplied.)

The defendant, Sheriff of St. Lucie County, filed a Notice of Appeal on June 19, 2000. Pursuant to Rule 4.81(f), this claim is held in abeyance while the appeal is pending.

The parties were notified that the appeal would have to be disposed of before a Special Master's hearing could be held. As of the date of this report, the appeal remains pending in the Fourth District Court of Appeal. Consequently, the Special Master is not able to hold a timely hearing on this claim.

ATTORNEYS FEES:

Not applicable.

RECOMMENDATIONS:

Because each claimant bears the burden of proof and the burden of going forward at a Special Master's hearing with a preponderance of evidence to support his or her claim, and because Mr. and Mrs. Hennelly, pursuant to Rule 4.81(f),

SPECIAL MASTER'S FINAL REPORT – SB 34

November 16, 2000

Page 3

have been unable to do so in light of the Sheriff's Department's pending judicial appeal of the final judgment that underlies the claim, without expressing any opinion or conclusions on the merits of Mr. and Mrs. Hennelly's claim as the merits may be made to appear at a Special Master's hearing, I recommend that Senate Bill 34 (2001) be reported UNFAVORABLY.

Respectfully submitted,

Dorothy S. Johnson  
Senate Special Master

cc: Senator Ron Klein  
Faye Blanton, Secretary of the Senate  
House Claims Committee