

By Senator Rouson

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1 A bill to be entitled
2 An act for the relief of Dylan Tompkins-Holmes by the
3 Pinellas County Sheriff's Office; providing for an
4 appropriation to compensate him for personal injuries
5 and damages sustained as a result of the negligence of
6 the Pinellas County Sheriff's Office; providing a
7 limitation on the payment of attorney fees; providing
8 an effective date.

9
10 WHEREAS, at approximately 3 a.m. on December 30, 2015,
11 Dylan Tompkins-Holmes, then 26 years of age, was riding as a
12 passenger in a 2013 Honda Civic driven by his girlfriend when
13 two Pinellas County Sheriff's Office deputies pulled over the
14 vehicle for a welfare check, and

15 WHEREAS, Pinellas County Sheriff's Office Deputy Timothy
16 Virden arrived on the scene as backup for the deputies who
17 initiated the welfare check and approached the passenger side of
18 the car, where Mr. Tompkins-Holmes was seated, and

19 WHEREAS, during the course of the welfare check, Deputy
20 Virden made the decision to arrest Mr. Tompkins-Holmes for
21 obstruction of justice, and

22 WHEREAS, during the course of the arrest, Deputy Virden
23 twice searched Mr. Tompkins-Holmes, finding no weapons or
24 contraband, and then handcuffed Mr. Tompkins-Holmes with his
25 hands behind his back and escorted him to his patrol vehicle,
26 and

27 WHEREAS, after Deputy Virden placed Mr. Tompkins-Holmes in
28 the back seat of his patrol vehicle, he twice shot Mr. Tompkins-
29 Holmes, whose hands were still securely handcuffed behind his

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30 back, and

31 WHEREAS, although the shooting was not captured on any
32 videotaping device, Deputy Virden acknowledges that he fired his
33 service weapon, striking Mr. Tompkins-Holmes, and

34 WHEREAS, as a result of the shooting, Mr. Tompkins-Holmes
35 was hospitalized for an extended period of time and required
36 three surgeries to his upper torso and left arm, and

37 WHEREAS, Mr. Tompkins-Holmes suffered scarring and
38 disfigurement from the bullet and surgical wounds, has been
39 diagnosed with depression and post-traumatic stress disorder,
40 and, for an extended period of time, was unable to work, and

41 WHEREAS, to date, the medical costs associated with Mr.
42 Tompkins-Holmes' injuries total approximately \$171,000, and

43 WHEREAS, Deputy Virden stipulates that, at the time of the
44 shooting, he was working within the course and scope of his
45 employment with the Pinellas County Sheriff's Office, and

46 WHEREAS, Mr. Tompkins-Holmes filed suit against Robert
47 Gualtieri in his capacity as Sheriff of Pinellas County and the
48 parties reached a settlement agreement, as a result of which Mr.
49 Tompkins-Holmes received \$200,000 pursuant to the sovereign
50 immunity limits of liability set forth in s. 768.28, Florida
51 Statutes, and

52 WHEREAS, Mr. Tompkins-Holmes also filed suit against Deputy
53 Virden individually, and the parties agreed that \$750,000 is a
54 fair and reasonable measure of Mr. Tompkins-Holmes' damages
55 based on the totality of his past and future economic and
56 noneconomic damages, and

57 WHEREAS, Deputy Virden entered into a stipulated motion for
58 entry of a final judgment against him related to any present or

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59 future claims made by Mr. Tompkins-Holmes in connection with the
60 shooting, NOW, THEREFORE,

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

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

66 Section 2. The Pinellas County Sheriff's Office is
67 authorized and directed to appropriate from funds not otherwise
68 encumbered and to draw a warrant in the sum of \$750,000 payable
69 to Dylan Tompkins-Holmes as compensation for personal injuries
70 and damages sustained.

71 Section 3. The amount paid by the Pinellas County Sheriff's
72 Office pursuant to s. 768.28, Florida Statutes, and the amount
73 awarded under this act are intended to provide the sole
74 compensation for all present and future claims arising out of
75 the factual situation described in this act which resulted in
76 personal injuries and damages to Dylan Tompkins-Holmes, and the
77 Pinellas County Sheriff's Office and Deputy Timothy Virden are
78 hereby released from any further liability. The total amount
79 paid for attorney fees relating to this claim may not exceed 25
80 percent of the total amount awarded under this act.

81 Section 4. This act shall take effect upon becoming a law.