

HB 1347

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1 A bill to be entitled
2 An act for the relief of Jennifer Wohlgemuth by the Pasco
3 County Sheriff's Office; providing for an appropriation to
4 compensate Jennifer Wohlgemuth whose injuries were due to
5 the negligence of the Pasco County Sheriff's Office;
6 providing a limitation on the payment of fees and costs;
7 providing an effective date.

8
9 WHEREAS, in the early morning of January 3, 2005, 21-year-
10 old Jennifer Wohlgemuth was driving her vehicle southbound on
11 Regency Park Boulevard in Pasco County, observing the speed
12 limit, and driving appropriately, and

13 WHEREAS, as Jennifer approached the intersection at Ridge
14 Road, she slowed down as she entered the intersection on a green
15 light. As Jennifer's vehicle proceeded through the intersection,
16 it was suddenly and violently struck by a vehicle from the Pasco
17 County Sheriff's Office which was driven by Deputy Kenneth
18 Petrillo, and

19 WHEREAS, Deputy Petrillo was driving the fourth law
20 enforcement vehicle engaged in a high-speed pursuit. However,
21 Deputy Petrillo's vehicle was well behind the other vehicles
22 that had cleared the intersection. Without his siren or flashing
23 lights activated, he drove through a red light as he traveled
24 eastbound on Ridge Road at a speed greater than 20 miles per
25 hour in excess of the posted speed limit and struck the
26 passenger side of Jennifer's vehicle, and

27 WHEREAS, none of the numerous witnesses to the crash heard
28 Deputy Petrillo's siren or saw flashing lights, and after the

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29 | crash, Deputy Petrillo's siren switch was in the radio mode,
30 | which indicated it was not activated, and

31 | WHEREAS, an internal affairs investigation into the
32 | accident found that Deputy Petrillo violated the policies of the
33 | Pasco County Sheriff's Office, and he was suspended for 30 days
34 | without pay and subjected to other disciplinary measures, and

35 | WHEREAS, Jennifer suffered profound brain injuries,
36 | including a subdural hematoma of the right frontal lobe and
37 | subarachnoid hemorrhage. Due to her brain swelling, part of
38 | Jennifer's skull was removed. Jennifer was in a coma for 3 weeks
39 | and could not speak for several months thereafter, and

40 | WHEREAS, Jennifer was unable to return home until August,
41 | 2005. As a result of the accident, she currently suffers from
42 | severe memory loss, partial loss of vision, lack of balance,
43 | urinary problems, anxiety, depression, dysarthric speech, acne,
44 | and weight fluctuations. Due to damage to her frontal lobe,
45 | Jennifer's behavior and impulse control are similar to those of
46 | a 7-year-old child. She requires supervision 24 hours a day, 7
47 | days a week. Because of her significant memory impairment and
48 | lack of judgment, Jennifer is unable to drive, work at a job, or
49 | live independently, and

50 | WHEREAS, a 3-day bench trial was held in the Sixth Judicial
51 | Circuit, and on March 12, 2009, the trial court rendered its
52 | verdict in Jennifer's favor, awarding total damages of
53 | \$9,141,267.32, and

54 | WHEREAS, the court found that Deputy Petrillo was 95
55 | percent responsible for Jennifer's injuries and that Jennifer
56 | was responsible for the remaining 5 percent due to her alleged

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57 failure to wear a seat belt. On August 4, 2009, the trial court
58 entered its amended final judgment in the amount of
59 \$8,724,754.40, and

60 WHEREAS, the Pasco County Sheriff's Office appealed the
61 amended final judgment to the Second District Court of Appeal.
62 Both sides filed appellate briefs, and oral arguments were heard
63 on March 2, 2010. On March 10, 2010, the Second District Court
64 of Appeal affirmed the trial court's final judgment, and

65 WHEREAS, according to s. 768.28, Florida Statutes, the
66 Pasco County Sheriff's Office paid the statutory limit of
67 \$100,000, and \$8,624,754.40 remains unpaid, NOW, THEREFORE,

68
69 Be It Enacted by the Legislature of the State of Florida:

70
71 Section 1. The facts stated in the preamble to this act
72 are found and declared to be true.

73 Section 2. The Pasco County Sheriff's Office is authorized
74 and directed to appropriate from funds of the sheriff's office
75 not otherwise appropriated and to draw a warrant, payable to
76 Jennifer Wohlgemuth, for the amount of \$8,624,754.40 for
77 injuries and damages sustained due to the negligence of an
78 employee of the sheriff's office.

79 Section 3. The amount paid by the Pasco County Sheriff's
80 Office pursuant to s. 768.28, Florida Statutes, and the amount
81 awarded under this act are intended to provide the sole
82 compensation for all present and future claims arising out of
83 the factual situation described in this act which resulted in
84 the injuries to Jennifer Wohlgemuth. The total amount paid for

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85 attorney's fees, lobbying fees, costs, and other similar
86 expenses relating to this claim may not exceed 25 percent of the
87 amount awarded under this act.

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