

By Senator Smith

29-00058-11

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1                                   A bill to be entitled  
2           An act for the relief of Jennifer Wohlgemuth by the  
3           Pasco County Sheriff's Office; providing for an  
4           appropriation to compensate Jennifer Wohlgemuth whose  
5           injuries were due to the negligence of the Pasco  
6           County Sheriff's Office; providing a limitation on the  
7           payment of fees and costs; providing an effective  
8           date.  
9  
10          WHEREAS, in the early morning of January 3, 2005, 21-year-  
11         old Jennifer Wohlgemuth was driving her vehicle southbound on  
12         Regency Park Boulevard in Pasco County, observing the speed  
13         limit, and driving appropriately, and  
14          WHEREAS, as Jennifer approached the intersection at Ridge  
15         Road, she slowed down as she entered the intersection on a green  
16         light. As Jennifer's vehicle proceeded through the intersection,  
17         it was suddenly and violently struck by a vehicle from the Pasco  
18         County Sheriff's Office which was driven by Deputy Kenneth  
19         Petrillo, and  
20          WHEREAS, Deputy Petrillo was driving the fourth law  
21         enforcement vehicle engaged in a high-speed pursuit. However,  
22         Deputy Petrillo's vehicle was well behind the other vehicles  
23         that had cleared the intersection. Without his siren or flashing  
24         lights activated, he drove through a red light as he traveled  
25         eastbound on Ridge Road at a speed greater than 20 miles per  
26         hour in excess of the posted speed limit and struck the  
27         passenger side of Jennifer's vehicle, and  
28          WHEREAS, none of the numerous witnesses to the crash heard  
29         Deputy Petrillo's siren or saw flashing lights, and after the

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

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

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

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

51 WHEREAS, a 3-day bench trial was held in the Sixth Judicial  
52 Circuit, and on March 12, 2009, the trial court rendered its  
53 verdict in Jennifer's favor, awarding total damages of  
54 \$9,141,267.32, and

55 WHEREAS, the court found that Deputy Petrillo was 95  
56 percent responsible for Jennifer's injuries and that Jennifer  
57 was responsible for the remaining 5 percent due to her alleged  
58 failure to wear a seat belt. On August 4, 2009, the trial court

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59 entered its amended final judgment in the amount of  
60 \$8,724,754.40, and

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

66 WHEREAS, according to s. 768.28, Florida Statutes, the  
67 Pasco County Sheriff's Office paid the statutory limit of  
68 \$100,000, and \$8,624,754.40 remains unpaid, NOW, THEREFORE,

69

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

71

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

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

80 Section 3. The amount paid by the Pasco County Sheriff's  
81 Office pursuant to s. 768.28, Florida Statutes, and the amount  
82 awarded under this act are intended to provide the sole  
83 compensation for all present and future claims arising out of  
84 the factual situation described in this act which resulted in  
85 the injuries to Jennifer Wohlgemuth. The total amount paid for  
86 attorney's fees, lobbying fees, costs, and other similar  
87 expenses relating to this claim may not exceed 25 percent of the

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88 amount awarded under this act.

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