

HB 1359

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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 an employee of
6 the Pasco County Sheriff's Office; providing a
7 limitation on the payment of fees and costs; providing
8 an effective 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 one of four law
21 enforcement vehicles engaged in a high-speed pursuit. However,
22 Deputy Petrillo's vehicle was well behind the other vehicles,
23 which had already cleared the intersection. Deputy Petrillo had
24 not activated his siren or flashing lights and drove through a
25 red light as he traveled eastbound on Ridge Road at a speed of
26 more than 20 miles per hour faster than the posted speed limit,
27 striking the passenger side of Jennifer's vehicle, and

28 WHEREAS, none of the numerous witnesses to the crash heard

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29 Deputy Petrillo's siren or saw flashing lights, and after the
30 crash Deputy Petrillo's siren switch was in the "radio" mode,
31 which indicates that the siren was not activated at the time of
32 the crash, and

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

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

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

52 WHEREAS, a 3-day bench trial was held in the Sixth Judicial
53 Circuit, and on March 12, 2009, the trial court rendered a
54 verdict in Jennifer's favor, awarding total damages of
55 \$9,141,267.32, and

56 WHEREAS, the court found that Deputy Petrillo was 95

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57 | percent responsible for Jennifer's injuries and that Jennifer
 58 | was responsible for the remaining 5 percent due to her alleged
 59 | failure to wear a seat belt. On August 4, 2009, the trial court
 60 | entered its amended final judgment in the amount of
 61 | \$8,724,754.40, and

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

67 | WHEREAS, according to s. 768.28, Florida Statutes, the
 68 | Pasco County Sheriff's Office paid the statutory limit of
 69 | \$100,000, and \$8,624,754.40 remains unpaid, NOW, THEREFORE,

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

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

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

81 | Section 3. The amount paid by the Pasco County Sheriff's
 82 | Office pursuant to s. 768.28, Florida Statutes, and the amount
 83 | awarded under this act are intended to provide the sole
 84 | compensation for all present and future claims arising out of

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85 | the factual situation described in this act which resulted in
86 | the injuries to Jennifer Wohlgemuth. The total amount paid for
87 | attorney fees, lobbying fees, costs, and other similar expenses
88 | relating to this claim may not exceed 25 percent of the amount
89 | awarded under this act.

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