

By Senator Montford

3-00016-15

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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 her for injuries and
5 damages sustained as a result of the negligence of an
6 employee of the Pasco County Sheriff's Office;
7 providing a limitation on the payment of fees and
8 costs; providing an effective date.

9
10 WHEREAS, in the early morning of January 3, 2005, 21-year-
11 old Jennifer Wohlgemuth was lawfully and properly operating her
12 vehicle and traveling southbound on Regency Park Boulevard, and

13 WHEREAS, at the same time, Deputy Kenneth Petrillo, an
14 officer of the Pasco County Sheriff's Office was driving one of
15 four law enforcement vehicles engaged in a high-speed pursuit,
16 and

17 WHEREAS, Deputy Petrillo's vehicle was well behind the
18 other law enforcement vehicles, which had already cleared the
19 intersection of Ridge Road and Regency Park Boulevard in Pasco
20 County, and

21 WHEREAS, while traveling eastbound on Ridge Road, Deputy
22 Petrillo, who did not activate his vehicle's siren or flashing
23 lights, sped through the intersection on a red light at a speed
24 of at least 20 miles per hour over the posted speed limit, and

25 WHEREAS, Deputy Petrillo's vehicle violently struck the
26 passenger side of Jennifer Wohlgemuth's vehicle as she entered
27 the intersection on a green light while observing the speed
28 limit, and

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

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30 Deputy Petrillo's siren or saw flashing lights, and

31 WHEREAS, after the crash, Deputy Petrillo's siren switch
32 was found to be in the radio mode, which indicates that the
33 siren was not activated at the time of the crash, and

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

38 WHEREAS, as a result of the accident, Jennifer Wohlgemuth
39 was in a coma for 3 weeks, was unable to speak for several
40 months thereafter, and did not return home until August 2005,
41 and

42 WHEREAS, Jennifer Wohlgemuth also suffered profound brain
43 injuries, including a subdural hematoma of the right frontal
44 lobe and subarachnoid hemorrhage that resulted in the removal of
45 a portion of her skull, and

46 WHEREAS, due to the damage to her frontal lobe, Jennifer
47 Wohlgemuth's behavior and impulse control are similar to those
48 of a 7-year-old child and require that she be supervised 24
49 hours a day, 7 days a week, and

50 WHEREAS, Jennifer Wohlgemuth currently suffers from severe
51 memory loss, partial loss of vision, lack of balance, urinary
52 problems, anxiety, depression, dysarthric speech, acne, and
53 weight fluctuations, and

54 WHEREAS, as a result of her significant memory impairment
55 and lack of judgment, Jennifer Wohlgemuth is unable to drive,
56 work at a job, or live independently, and

57 WHEREAS, a 3-day bench trial was held in the Sixth Judicial
58 Circuit, and, on March 12, 2009, the trial court rendered a

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59 verdict in Jennifer Wohlgemuth's favor, awarding total damages
60 of \$9,141,267.32, and

61 WHEREAS, the trial court found that Deputy Petrillo was 95
62 percent responsible for Jennifer Wohlgemuth's injuries and that
63 Jennifer was responsible for the remaining 5 percent due to her
64 alleged failure to wear a seat belt, and

65 WHEREAS, on August 4, 2009, the trial court entered its
66 amended final judgment in the amount of \$8,724,754.40, and

67 WHEREAS, the Pasco County Sheriff's Office appealed the
68 amended final judgment to the Second District Court of Appeal,
69 and the appellate court affirmed the trial court's final
70 judgment on March 10, 2010, and

71 WHEREAS, according to s. 768.28, Florida Statutes, the
72 Pasco County Sheriff's Office paid the statutory limit of
73 \$100,000, and the amount \$8,624,754.40 remains unpaid, NOW,
74 THEREFORE,

75

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

77

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

80 Section 2. The Pasco County Sheriff's Office is authorized
81 and directed to appropriate from funds of the sheriff's office
82 not otherwise appropriated and to draw a warrant in the amount
83 of \$8,624,754.40, payable to Jennifer Wohlgemuth, as
84 compensation for injuries and damages sustained due to the
85 negligence of an employee of the sheriff's office.

86 Section 3. The amount paid by the Pasco County Sheriff's
87 Office pursuant to s. 768.28, Florida Statutes, and the amount

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88 awarded under this act are intended to provide the sole
89 compensation for all present and future claims arising out of
90 the factual situation described in this act which resulted in
91 the injuries to Jennifer Wohlgemuth. The total amount paid for
92 attorney fees, lobbying fees, costs, and other similar expenses
93 relating to this claim may not exceed 25 percent of the amount
94 awarded under this act.

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