

By the Committee on Judiciary; and Senator Montford

590-01954-17

201736c1

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 attorney  
8 fees; 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 traveling eastbound  
18 on Ridge Road, well behind the other law enforcement vehicles,  
19 which had already cleared the intersection of Ridge Road and  
20 Regency Park Boulevard in Pasco County, and

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

590-01954-17

201736c1

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 of the accident  
35 found that Deputy Petrillo violated the policies of the Pasco  
36 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 after emerging from the coma, and did not return home  
41 until August 2005, and

42 WHEREAS, Jennifer Wohlgemuth 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 10-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 is under the  
57 guardianship of Traci Wohlgemuth, and

58 WHEREAS, a 3-day bench trial was held in the Sixth Judicial

590-01954-17

201736c1

59 Circuit in the case of *Traci Wohlgemuth, as guardian of Jennifer*  
60 *K. Wohlgemuth, an incompetent, v. Robert White, as Sheriff of*  
61 *Pasco County, Florida*, which was assigned case number 51-2007-  
62 CA-000859, and on March 12, 2009, the trial court rendered a  
63 verdict in Jennifer Wohlgemuth's favor, awarding her total  
64 damages of \$9,141,267.32, and

65 WHEREAS, the trial court found that Deputy Petrillo was 95  
66 percent responsible for Jennifer Wohlgemuth's injuries and that  
67 Ms. Wohlgemuth was responsible for the remaining 5 percent due  
68 to her alleged failure to wear a seat belt, and

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

71 WHEREAS, the Pasco County Sheriff's Office appealed the  
72 amended final judgment to the Second District Court of Appeal,  
73 and the appellate court affirmed the trial court's final  
74 judgment on March 10, 2010, and

75 WHEREAS, in accordance with s. 768.28, Florida Statutes,  
76 the Pasco County Sheriff's Office paid the statutory limit of  
77 \$100,000, and the remaining amount of \$8,624,754.40 remains  
78 unpaid, and

79 WHEREAS, the Pasco County Sheriff's Office and Jennifer  
80 Wohlgemuth have since entered into a settlement agreement  
81 regarding the unpaid amount, with the sheriff's office promising  
82 to make annual payments to Ms. Wohlgemuth and agreeing not to  
83 oppose this claim bill, NOW, THEREFORE,

84  
85 Be It Enacted by the Legislature of the State of Florida:

86  
87 Section 1. The facts stated in the preamble to this act are

590-01954-17

201736c1

88 found and declared to be true.

89 Section 2. The Pasco County Sheriff's Office is authorized  
90 and directed to appropriate from funds of the sheriff's office  
91 and to pay Jennifer Wohlgemuth the settlement amount of \$2.6  
92 million as compensation for injuries and damages sustained due  
93 to the negligence of an employee of the sheriff's office.  
94 Payment shall be made in the amount of \$325,000 per year for 8  
95 consecutive years. The first payment must be made no later than  
96 October 31, 2017. Payments must be made by October 31 each  
97 subsequent year until paid in full. However, if Jennifer  
98 Wohlgemuth dies before October 31, 2024, payments shall cease  
99 with her death and the award under this act shall be deemed paid  
100 in full.

101 Section 3. The amount paid by the Pasco County Sheriff's  
102 Office under s. 768.28, Florida Statutes, and the amount awarded  
103 under this act are intended to provide the sole compensation for  
104 all present and future claims arising out of the factual  
105 situation described in this act which resulted in the injuries  
106 and damages to Jennifer Wohlgemuth. The total amount paid for  
107 attorney fees relating to this claim may not exceed 25 percent  
108 of the amount awarded under this act.

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