

By Senator Smith

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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:

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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.