

By Senator Montford

3-00105-14

201422\_\_

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, Deputy  
11          Kenneth Petrillo was driving one of four law enforcement  
12          vehicles engaged in a high-speed pursuit, and  
13          WHEREAS, Deputy Petrillo's vehicle was well behind the  
14          other vehicles, which had already cleared the intersection of  
15          Ridge Road and Regency Park Boulevard in Pasco County, and  
16          WHEREAS, Deputy Petrillo, who did not activate his  
17          vehicle's siren or flashing lights, sped through the  
18          intersection on a red light at a speed of more than 20 miles per  
19          hour faster than the posted speed limit while traveling  
20          eastbound on Ridge Road, and  
21          WHEREAS, Deputy Petrillo's vehicle violently struck the  
22          passenger side of Jennifer Wohlgemuth's vehicle as she entered  
23          the intersection on a green light while observing the speed  
24          limit, driving appropriately, and traveling southbound on  
25          Regency Park Boulevard, and  
26          WHEREAS, none of the numerous witnesses to the crash heard  
27          Deputy Petrillo's siren or saw flashing lights, and after the  
28          crash Deputy Petrillo's siren switch was in the radio mode,  
29          which indicates that the siren was not activated at the time of

3-00105-14

201422\_\_

30 the crash, and

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

35 WHEREAS, as a result of the accident, 21-year-old Jennifer  
36 Wohlgemuth was in a coma for 3 weeks, was unable to speak for  
37 several months thereafter, and did not return home until August  
38 2005, and

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

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

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

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

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

58 WHEREAS, the court found that Deputy Petrillo was 95

3-00105-14

201422\_\_

59 percent responsible for Jennifer Wohlgemuth's injuries and that  
60 Jennifer was responsible for the remaining 5 percent due to her  
61 alleged failure to wear a seat belt, and

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

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

68 WHEREAS, according to s. 768.28, Florida Statutes, the  
69 Pasco County Sheriff's Office paid the statutory limit of  
70 \$100,000, and \$8,624,754.40 remains unpaid, NOW, THEREFORE,

71  
72 Be It Enacted by the Legislature of the State of Florida:

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

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

82 Section 3. The amount paid by the Pasco County Sheriff's  
83 Office pursuant to s. 768.28, Florida Statutes, and the amount  
84 awarded under this act are intended to provide the sole  
85 compensation for all present and future claims arising out of  
86 the factual situation described in this act which resulted in  
87 the injuries to Jennifer Wohlgemuth. The total amount paid for

3-00105-14

201422\_\_

88 attorney fees, lobbying fees, costs, and other similar expenses  
89 relating to this claim may not exceed 25 percent of the amount  
90 awarded under this act.

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