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CS/HB 6533

2017 Legislature

1
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 compensation,
8 fees, and 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 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

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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
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

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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
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,

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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
 88 | are 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, to be placed in the Special Needs Trust created for the
 93 | exclusive use and benefit of Jennifer Wohlgemuth as compensation
 94 | for injuries and damages sustained due to the negligence of an
 95 | employee of the sheriff's office. Payment shall be made in the
 96 | amount of \$325,000 per year for 8 consecutive years. The first
 97 | payment must be made no later than October 31, 2017. Payments
 98 | must be made by October 31 each subsequent year until paid in
 99 | full. However, if Jennifer Wohlgemuth dies before October 31,
 100 | 2024, payments shall cease with her death and the award under

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101 | this act shall be deemed paid in full.

102 | Section 3. The amount paid by the Pasco County Sheriff's
103 | Office under s. 768.28, Florida Statutes, and the amount awarded
104 | under this act are intended to provide the sole compensation for
105 | all present and future claims arising out of the factual
106 | situation described in this act which resulted in the injuries
107 | and damages to Jennifer Wohlgemuth. Of the amount awarded under
108 | this act, the total amount paid for attorney fees may not exceed
109 | \$520,000, the total amount paid for lobbyist fees may not exceed
110 | \$130,000, and no amount may be paid for costs and other similar
111 | expenses relating to this claim.

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