

## CHAPTER 2017-228

### Committee Substitute for House Bill No. 6533

An act for the relief of Jennifer Wohlgemuth by the Pasco County Sheriff's Office; providing for an appropriation to compensate her for injuries and damages sustained as a result of the negligence of an employee of the Pasco County Sheriff's Office; providing a limitation on the payment of compensation, fees, and costs; providing an effective date.

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

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

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

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

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

WHEREAS, none of the numerous witnesses to the crash heard Deputy Petrillo's siren or saw flashing lights, and

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

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

WHEREAS, as a result of the accident, Jennifer Wohlgemuth was in a coma for 3 weeks, was unable to speak for several months after emerging from the coma, and did not return home until August 2005, and

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

WHEREAS, due to the damage to her frontal lobe, Jennifer Wohlgemuth's behavior and impulse control are similar to those of a 10-year-old child and require that she be supervised 24 hours a day, 7 days a week, and

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

WHEREAS, as a result of her significant memory impairment and lack of judgment, Jennifer Wohlgemuth is unable to drive, work at a job, or live independently and is under the guardianship of Traci Wohlgemuth, and

WHEREAS, a 3-day bench trial was held in the Sixth Judicial Circuit in the case of *Traci Wohlgemuth, as guardian of Jennifer K. Wohlgemuth, an incompetent, v. Robert White, as Sheriff of Pasco County, Florida*, which was assigned case number 51-2007-CA-000859, and on March 12, 2009, the trial court rendered a verdict in Jennifer Wohlgemuth's favor, awarding her total damages of \$9,141,267.32, and

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

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

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

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

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

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

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

Section 2. The Pasco County Sheriff's Office is authorized and directed to appropriate from funds of the sheriff's office and to pay Jennifer Wohlgemuth the settlement amount of \$2.6 million, to be placed in the Special Needs Trust created for the exclusive use and benefit of Jennifer Wohlgemuth as compensation for injuries and damages sustained due to the

negligence of an employee of the sheriff's office. Payment shall be made in the amount of \$325,000 per year for 8 consecutive years. The first payment must be made no later than October 31, 2017. Payments must be made by October 31 each subsequent year until paid in full. However, if Jennifer Wohlgemuth dies before October 31, 2024, payments shall cease with her death and the award under this act shall be deemed paid in full.

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

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

Approved by the Governor May 9, 2017.

Filed in Office Secretary of State May 9, 2017.