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1	A bill to be entitled
2	An act for the relief of Donna Catalano by the
3	Department of Agriculture and Consumer Services;
4	providing an appropriation to compensate Donna
5	Catalano for injuries and damages sustained as a
6	result of the negligence of Donald Gerard Burthe, an
7	employee of the Department of Agriculture and Consumer
8	Services; providing a limitation on the payment of
9	certain fees, costs, and other expenses; providing an
10	effective date.
11	
12	WHEREAS, on June 26, 2019, Donald Gerard Burthe, an
13	employee of the Department of Agriculture and Consumer Services,
14	while operating a department vehicle during his employment, was
15	traveling west on U.S. Highway 90, and
16	WHEREAS, Donna Catalano, returning home after completing
17	her nursing shift at Tallahassee Memorial HealthCare, was
18	traveling east on U.S. Highway 90, and
19	WHEREAS, Mr. Burthe failed to maintain his lane of travel
20	and crossed the center line of U.S. Highway 90, resulting in a
21	head-on collision with Ms. Catalano's vehicle, and
22	WHEREAS, officers cited Mr. Burthe with a violation of s.
23	316.089, Florida Statutes, for failing to use a designated lane
24	and failing to drive within a single lane, and
25	WHEREAS, Ms. Catalano was transported to the emergency
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26 department at Tallahassee Memorial HealthCare, suffering from a 27 left side rib fracture, left upper arm and forearm open 28 fracture, a non-displaced fracture of the left leg, an open left 29 femur distal fracture, distension of the abdomen, tenderness of 30 the left ribs, and abrasions to the left side of her face, and 31 WHEREAS, during the next four days, Ms. Catalano underwent 32 six surgeries to repair the various injuries suffered as a 33 result of the vehicular accident caused by Mr. Burthe, and 34 WHEREAS, on July 5, 2019, Ms. Catalano was transferred to 35 the Tallahassee Memorial HealthCare Rehabilitation Center by 36 ambulance to begin physical therapy for her injuries, staying there for approximately 3 months until she was discharged in 37 38 September 2019 to continue physical therapy at home, and 39 WHEREAS, Ms. Catalano now suffers from chronic pain; mental anguish, stress, and anxiety; stiff, aching knees that require 40 41 her to walk with a cane; an inability to straighten or lift her 42 right arm; and incontinence, and 43 WHEREAS, Ms. Catalano can no longer perform traditional nursing duties as a result of these injuries, and 44 45 WHEREAS, Mr. Burthe, as an employee of the Department of Agriculture and Consumer Services, acting within the scope of 46 47 his employment, owed a duty to Ms. Catalano to conduct himself 48 in a reasonable manner and exercise reasonable care, but 49 breached that duty by driving carelessly, and WHEREAS, on July 10, 2020, Ms. Catalano filed a lawsuit 50

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51 against the Department of Agriculture and Consumer Services to 52 recover damages as a result of the negligent conduct of the 53 department's employee, Mr. Burthe, and

54 WHEREAS, on July 15, 2021, the Department of Agriculture 55 and Consumer Services and Ms. Catalano reached a settlement 56 agreement for \$3,375,000, of which \$200,000 was paid by the 57 Division of Risk Management, and

58 WHEREAS, the Department of Agriculture and Consumer 59 Services supports Ms. Catalano's efforts to seek the remainder 60 of the agreed-upon compensation, and

61 WHEREAS, due to the limits of s. 768.28, Florida Statutes, 62 at the time of the incident, Ms. Catalano has collected only 63 \$200,000 of her settlement agreement with the Department of 64 Agriculture and Consumer Services, and the remainder may be 65 recovered only through a claim bill approved by the Legislature, 66 NOW, THEREFORE,

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

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

72Section 2.The sum of \$3,175,000 is appropriated from the73General Inspection Trust Fund to the Department of Agriculture

74 and Consumer Services for the relief of Donna Catalano for

75 <u>injuries and damages sustained.</u>

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76	Section 3. The Chief Financial Officer is directed to draw
77	a warrant in favor of Donna Catalano in the sum of \$3,175,000
78	upon funds of the Department of Agriculture and Consumer
79	Services in the State Treasury and to pay the same out of such
80	funds in the State Treasury.
81	Section 4. The amount paid by the Department of
82	Agriculture and Consumer Services pursuant to s. 768.28, Florida
83	Statutes, and the amount awarded under this act are intended to
84	provide the sole compensation for all present and future claims
85	arising out of the factual situation described in this act which
86	resulted in injuries and damages to Donna Catalano. The total
87	amount paid for attorney fees relating to this claim may not
88	exceed \$635,000, the total amount paid for lobbying fees may not
89	exceed \$158,750, and the total amount paid for costs or other
90	similar expenses may not exceed \$29,059.94.
91	Section 5. This act shall take effect upon becoming a law.
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