

By Senator Grant

13-67-99

1                                   A bill to be entitled  
2           An act relating to the Florida Department of  
3           Transportation; providing for the relief of  
4           Patricia D. Baker; providing for an  
5           appropriation to compensate her for injuries  
6           and damages sustained as a result of the  
7           negligence of the Florida Department of  
8           Transportation; providing an effective date.

9  
10           WHEREAS, on December 1, 1987, after returning from an  
11           out-of-state vacation, Patricia D. Baker, a resident of New  
12           Port Richey, Pasco County, Florida, stopped at the Florida  
13           Welcome Center on Highway I-75 in Jennings, Hamilton County,  
14           Florida, and

15           WHEREAS, while using the ladies restroom facilities at  
16           the Welcome Center, Mrs. Baker was raped and robbed at  
17           knifepoint, and

18           WHEREAS, Mrs. Baker's assailant entered the restroom  
19           easily and committed the crime unimpeded, and

20           WHEREAS, Patricia D. Baker was emotionally and  
21           physically injured by this occurrence, and

22           WHEREAS, the incident and injuries sustained on  
23           December 1, 1987, formed the basis of a legal action by  
24           Patricia D. Baker and her husband against the Department of  
25           Transportation alleging negligence in failing to provide  
26           adequate security at the Welcome Center rest area, negligent  
27           design of the Welcome Center complex, and failure to warn of  
28           known dangerous conditions, and

29           WHEREAS, evidence presented at trial through testimony  
30           of witnesses and records of state and local agencies  
31           demonstrated that because of the Welcome Center's location and

1 the large number of persons frequenting I-75 in Jennings,  
2 criminal activity there was a special concern that was well  
3 documented, and

4 WHEREAS, within the preceding 3 years, criminal  
5 incidents at the Welcome Center and nearby state-maintained  
6 rest areas were numerous and included armed robbery, theft,  
7 burglaries, and attempted murder and sexual battery, and

8 WHEREAS, Patricia D. Baker presented at trial Florida  
9 Department of Transportation memoranda that demonstrated that  
10 the Department of Transportation was aware of the serious  
11 criminal activity and security problems of each rest area, and

12 WHEREAS, Patricia D. Baker presented at trial expert  
13 witness testimony showing that the Department of  
14 Transportation was negligent in designing the restrooms at the  
15 Welcome Center, and

16 WHEREAS, following trial in this case the jury awarded  
17 Patricia D. Baker \$450,760.90, which was reduced by the court  
18 to \$445,313.42, and her husband received an award of \$100,000,  
19 and

20 WHEREAS, prior to trial the Bakers served upon the  
21 Florida Department of Transportation a demand for judgment  
22 pursuant to section 768.79, Florida Statutes, offering to  
23 settle for a reasonable amount of \$190,000, an offer that was  
24 rejected by the Florida Department of Transportation, and

25 WHEREAS, following trial and the jury determination,  
26 the trial judge on January 27, 1997, concluded and entered  
27 Final Judgment for the Bakers awarding reasonable costs of  
28 \$21,574.39, and in addition awarded the Bakers \$136,335.85 in  
29 reasonable attorney's fees, and

30 WHEREAS, the Bakers have received from the Department  
31 of Transportation \$100,000 each in satisfaction of the awarded

1 Final Judgment as provided by the statutory limits of  
2 liability set forth in section 768.28, Florida Statutes, and  
3 WHEREAS, the unpaid Final Judgment of Patricia D. Baker  
4 is \$345,313.42 plus \$21,574.39 in reasonable costs and  
5 \$136,335.85 in reasonable attorney's fees, NOW, THEREFORE,

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

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

11 Section 2. The Executive Office of the Governor is  
12 directed to transfer existing spending authority or to  
13 establish spending authority from unappropriated trust fund  
14 balances in the Department of Transportation in the amount of  
15 \$503,223.66 to a new category titled "Relief: Patricia D.  
16 Baker" as relief for injuries and damages sustained.

17 Section 3. The Comptroller is directed to draw his  
18 warrant in favor of Patricia D. Baker in the sum of  
19 \$503,223.66 upon funds of the Department of Transportation in  
20 the State Treasury, and the State Treasurer is directed to pay  
21 that amount out of those funds.

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

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26 SENATE SUMMARY

27 Provides for the relief of Patricia D. Baker for injuries  
28 and damages sustained as a result of the negligence of  
the Department of Transportation.

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