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An act relating to the Florida Department of Transportation; providing for the relief of Patricia D. Baker; providing for an appropriation to compensate her for injuries and damages sustained as a result of the negligence of the Florida Department of Transportation; providing an effective date.

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

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

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

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

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

WHEREAS, evidence presented at trial through testimony of witnesses and records of state and local agencies 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,

6
7 Be It Enacted by the Legislature of the State of Florida:

8
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 \$443,223.66 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 warrants in favor of Patricia D. Baker in the aggregate sum of
19 \$443,223.66 upon funds in the Department of Transportation in
20 the State Treasury, and the State Treasurer is directed to pay
21 that amount out of those funds, as follows: The sum of
22 \$263,223.66 is to be paid by July 1, 1999, which includes
23 \$105,313.42 toward the unpaid amount of the final judgment in
24 favor of Patricia D. Baker, plus \$21,574.39 in reasonable
25 costs and fees and \$136,335.85 in reasonable attorney's fees;
26 and an additional \$180,000 is to be paid in nine equal annual
27 installments of \$20,000 apiece beginning July 1, 2000, and
28 continuing through July 1, 2008.

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

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