A bill to be entitled 1 2 An act for the relief of Patricia D. Baker; 3 providing an appropriation to compensate her for injuries and damages sustained as a result 4 5 of the negligence of the Florida Department of Transportation; providing an effective date. 6 7 8 WHEREAS, on December 1, 1987, after returning from an 9 out-of-state vacation, Patricia D. Baker, a resident of New Port Richey, Pasco County, Florida, stopped at the Florida 10 11 Welcome Center on Highway I-75 in Jennings, Hamilton County, 12 Florida, and 13 WHEREAS, while using the ladies restroom facilities at 14 the Welcome Center, Mrs. Baker was raped and robbed at 15 knifepoint, and 16 WHEREAS, Mrs. Baker's assailant entered the restroom easily and committed the crime unimpeded, and 17 18 WHEREAS, Patricia D. Baker was emotionally and 19 physically injured by this occurrence, and 20 WHEREAS, the incident and injuries sustained on 21 December 1, 1987, formed the basis of a legal action by 22 Patricia D. Baker and her husband against the Department of Transportation alleging negligence in failing to provide 23 adequate security at the Welcome Center rest area, negligent 24 25 design of the Welcome Center complex, and failure to warn of 26 known dangerous conditions, and 27 WHEREAS, evidence presented at trial through testimony

demonstrated that because of the Welcome Center's location and

the large number of persons frequenting I-75 in Jennings,

of witnesses and records of state and local agencies

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30 31 criminal activity there was a special concern that was well documented, and

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

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

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

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

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

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

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

Final Judgment as provided by the statutory limits of 1 liability set forth in section 768.28, Florida Statutes, and 2 3 WHEREAS, the unpaid Final Judgment of Patricia D. Baker is \$345,313.42 plus \$21,574.39 in reasonable costs and 4 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 directed to transfer existing spending authority or establish 12 13 spending authority from unappropriated trust fund balances in the Department of Transportation in the amount of \$503,223.66 14 to a new category titled "Relief - Patricia D. Baker" as 15 16 relief for injuries and damages sustained. 17 Section 3. The Comptroller is directed to draw his warrant in favor of Patricia D. Baker in the sum of 18 19 \$503,223.66 upon funds of the Department of Transportation in the State Treasury, and the State Treasurer is directed to pay 20 21 the same out of such funds in the State Treasury. Section 4. This act shall take effect upon becoming a 22 23 law. 24 25 26 HOUSE SUMMARY 27 Provides an appropriation of \$503,223.66 for the relief of Patricia D. Baker as compensation for injuries and damages sustained as a result of the negligence of the 28 29 Department of Transportation.

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