

Bill No. SB 244

Amendment No. 1 Barcode 543360

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Transportation recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

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

Section 2. The sum of \$550,000 is appropriated out of funds in the State Treasury to the credit of the Department of Transportation which are not otherwise appropriated, to be paid to Patsy Bauccho as relief for her losses resulting from the actions of a departmental employee.

Section 3. The Comptroller is directed to draw his warrant in favor of Patsy Bauccho, in accordance with the terms of the stipulated settlement agreement, in the sum of \$550,000 upon funds in the State Treasury to the credit of the Department of Transportation, and the State Treasurer is directed to pay the same out of such funds.

Section 4. This act shall take effect upon becoming a

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1 law.

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4 ===== T I T L E A M E N D M E N T =====

5 And the title is amended as follows:

6 Delete everything before the enacting clause

7

8 and insert:

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A bill to be entitled

10 An act for the relief of Patsy Bauccho;  
11 providing an appropriation to compensate her  
12 for injuries and damages she sustained as a  
13 result of the negligence of a Department of  
14 Transportation employee; providing an effective  
15 date.

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17 WHEREAS, on or about April 27, 1998, at approximately  
18 12:54 p.m., Valentino Bauccho, with his wife Patsy as his  
19 passenger, was driving south on State Road 93 (also known as  
20 I-75) in Ocala, Florida, when a Department of Transportation  
21 vehicle struck their vehicle, and

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WHEREAS, the DOT vehicle, driven by a departmental  
23 employee, had been stopped on the far right shoulder of the  
24 road, known as the emergency lane, and

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WHEREAS, the DOT vehicle traveled from the far right  
26 shoulder across three southbound lanes, perpendicular to  
27 oncoming traffic, in an effort to reach a cut-through to make  
28 a U-turn and proceed in the opposite, or northbound, direction  
29 on State Road 93, and

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WHEREAS, as the DOT driver pulled into the third  
31 southbound lane, he hit the right front door and right front

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1 fender of the Baucos' vehicle as it continued traveling in  
2 the left lane, and

3 WHEREAS, the driver of the DOT vehicle admits that he  
4 never saw the Baucos vehicle until he hit it, and he also  
5 admits that he was performing an improper traffic maneuver  
6 when he hit the plaintiffs, and

7 WHEREAS, the crash caused both vehicles to go out of  
8 control and spin on the highway, and Mrs. Baucos sustained  
9 serious, permanent injuries, and

10 WHEREAS, the Florida Highway Patrol charged the DOT  
11 employee with improper lane change, and

12 WHEREAS, Mrs. Baucos received serious and significant  
13 bodily injury as a result of the accident: she lost  
14 four-fifths of her blood; she wore a Foley catheter for 3  
15 months and now is incontinent; she had four fractures of her  
16 pelvis, several breaks of her right wrist, a highly comminuted  
17 fracture of her right femur, a highly comminuted fracture of  
18 her left tibia, a highly comminuted fracture of her left  
19 fibula, a highly comminuted fracture of her right fibula, a  
20 highly comminuted fracture of her right tibia, a highly  
21 comminuted fracture of her big toe, and a significant fracture  
22 of her left ring finger; and she has endured seven surgeries  
23 and is expected to need one or two more surgeries for a  
24 left-knee replacement and a right-hip replacement, and

25 WHEREAS, Mr. Baucos is now caring for his wife and  
26 doing most of the household work that Mrs. Baucos did before  
27 the accident, and

28 WHEREAS, Mrs. Baucos has \$145,428.74 in past medical  
29 bills, and a life-care plan drawn for her projects, in present  
30 value, a lifetime cost of between \$270,986 and \$485,197 for  
31 her medical care, and

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1           WHEREAS, litigation relating to these injuries was  
2 pursued, and, upon the filing of a motion for summary  
3 judgment, the Department of Transportation stipulated as to  
4 its liability, and

5           WHEREAS, on December 7, 2000, a mutually agreed-upon  
6 mediation was held to determine the amount of damages, and a  
7 settlement in the amount of \$750,000 was reached, and

8           WHEREAS, the Department of Transportation agreed to  
9 pay, on or about December 27, 2000, the sum of \$200,000, the  
10 limit payable under the statutory waiver of sovereign  
11 immunity, and

12           WHEREAS, the department has agreed to affirmatively  
13 support a claim bill for the remaining sum of \$550,000, NOW,  
14 THEREFORE,

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