

By Senator Lawson

3-349-01

1 A bill to be entitled
2 An act for the relief of Patsy Bauccho and
3 Valentino Bauccho; providing an appropriation to
4 compensate them for injuries and damages they
5 sustained as a result of the negligence of a
6 Department of Transportation employee;
7 providing an effective date.

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9 WHEREAS, on or about April 27, 1998, at approximately
10 12:54 p.m., Valentino Bauccho, with his wife Patsy as his
11 passenger, was driving south on State Road 93 (also known as
12 I-75) in Ocala, Florida, when a Department of Transportation
13 vehicle struck their vehicle, and

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

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

22 WHEREAS, as the DOT driver pulled into the third
23 southbound lane, he hit the right front door and right front
24 fender of the Baucchos' vehicle as it continued traveling in
25 the left lane, and

26 WHEREAS, the driver of the DOT vehicle admits that he
27 never saw the Bauccho vehicle until he hit it, and he also
28 admits that he was performing an improper traffic maneuver
29 when he hit the plaintiffs, and

30 WHEREAS, the crash caused both vehicles to go out of
31 control and spin on the highway, and Mrs. Bauccho sustained

1 serious, permanent injuries, while Mr. Bauccho sustained injury
2 and loss of consortium, and

3 WHEREAS, the Florida Highway Patrol charged the DOT
4 employee with improper lane change, and

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

18 WHEREAS, Mr. Bauccho is now caring for his wife and
19 doing most of the household work that Mrs. Bauccho did before
20 the accident, and

21 WHEREAS, Mrs. Bauccho has \$145,428.74 in past medical
22 bills, and a life-care plan drawn for her projects, in present
23 value, a lifetime cost of between \$270,986 and \$485,197 for
24 her medical care, and

25 WHEREAS, litigation relating to these injuries was
26 pursued, and, upon the filing of a motion for summary
27 judgment, the Department of Transportation stipulated as to
28 its liability, and

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

1 WHEREAS, the Department of Transportation agreed to
2 pay, on or about December 27, 2000, the sum of \$200,000, the
3 limit payable under the statutory waiver of sovereign
4 immunity, and

5 WHEREAS, the department has agreed to affirmatively
6 support a claim bill for the remaining sum of \$550,000, NOW,
7 THEREFORE,

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

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

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

18 Section 3. The Comptroller is directed to draw his
19 warrant in favor of Patsy Bauccho and Valentino Bauccho in the
20 sum of \$550,000 upon funds in the State Treasury to the credit
21 of the Department of Transportation, and the State Treasurer
22 is directed to pay the same out of such funds.

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

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27 SENATE SUMMARY

28 Provides an appropriation from Department of
29 Transportation funds to compensate Patsy and Valentino
30 Bauccho for injuries and damages they sustained as a
31 result of the negligence of an employee of the
 department.