

By the Committee on Finance and Taxation; and Senator Lawson

314-2058-02

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A bill to be entitled

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

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

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

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

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

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

1 WHEREAS, the crash caused both vehicles to go out of
2 control and spin on the highway, and Mrs. Bauccho sustained
3 serious, permanent injuries, and

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

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

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

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

26 WHEREAS, litigation relating to these injuries was
27 pursued, and, upon the filing of a motion for summary
28 judgment, the Department of Transportation stipulated as to
29 its liability, and
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1 WHEREAS, on December 7, 2000, a mutually agreed-upon
2 mediation was held to determine the amount of damages, and a
3 settlement in the amount of \$750,000 was reached, and

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

8 WHEREAS, the department has agreed to affirmatively
9 support a claim bill for the remaining sum of \$550,000, NOW,
10 THEREFORE,

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

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

16 Section 2. The Executive Office of the Governor is
17 directed to establish spending authority from unappropriated
18 trust fund balances in the Department of Transportation in the
19 amount of \$550,000 to a new category titled "Relief: Patsy
20 Baucco" as relief for injuries and damages sustained.

21 Section 3. The Comptroller is directed to draw a
22 warrant in favor of Patsy Baucco in accordance with the terms
23 of the stipulated settlement agreement, in the sum of
24 \$550,000, which amount includes statutory attorney's fees and
25 costs, upon funds of the Department of Transportation in the
26 State Treasury, and the State Treasurer is directed to pay the
27 same out of such funds in the State Treasury.

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

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
SB 16

The committee substitute directs the Executive Office of the Governor to establish spending authority from unappropriated trust fund balances in the Department of Transportation to pay this claim.