

STORAGE NAME: h0227.cla
DATE: November 2, 2001

Florida House of Representatives
Committee on Claims
Summary Claim Bill Report

Bill #: HB 227
Sponsor: Rep. Stansel
Companion Bill: SB 16 by Sen. Lawson
Special Master: Stephanie Birtman, Esq.

A. Basic Information:

1. **Claimants:** Mrs. Patsy Bauccho
2. **Respondent:** Department of Transportation, on behalf of a DOT employee acting in the course and scope of his employment.
3. **Amount Requested:** \$550,000, in addition to the \$200,000 already paid.
4. **Type of Claim:** Settlement agreement
5. **Respondent's Position:** Agrees to support the claim bill.
6. **Collateral Sources:** Ohio Casualty paid \$10,000 in PIP coverage; Aetna Insurance company has a lien for \$42,423.26 in medical expenses paid.
7. **Prior Legislative History:** HB 335 (2001) died in the Claims Committee. SB 244 (2001) unanimously passed all committees of reference in the Senate and died on the Senate calendar.

B. Procedural Summary: Suit was filed against the DOT for injuries suffered as a result of the motor vehicle accident. Upon the filing of a Motion for Summary Judgment, the DOT stipulated as to their liability. At pre-trial mediation, the parties agreed to a settlement in the total amount of \$750,000, with \$200,000 already paid pursuant to s. 768.28, F.S.

C. Facts of Case: On April 27, 1998, Mr. and Mrs. Bauccho were traveling south on SR 93 (I-75) near Ocala. Mrs. Bauccho was riding as a passenger, and was wearing her seatbelt. A DOT employee was in his DOT vehicle on the shoulder of I-75, attempting to travel across the southbound lanes perpendicular to oncoming traffic, in an effort to reach a cut-through in the median to make a U-turn and go north. While crossing traffic, the DOT vehicle struck Mrs. Bauccho's vehicle on the passenger side. As a result of the accident, Mrs. Bauccho lost 4/5 of her blood supply, shattered the bones in her pelvis, both legs, and her right wrist. She has undergone seven surgeries, and one year of rehabilitation therapy. Mrs. Bauccho is a 72 year-old Ohio resident, who was in Florida to visit relatives at the time of the accident.

SM: _____ SD: _____ Date: _____
Stephanie O. Birtman Stephanie O. Birtman