

By Representative Stansel

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

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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 s. 768.28, Florida Statutes, and

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

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

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

15 Section 2. There is appropriated from the General
16 Revenue Fund to the Department of Transportation the sum of
17 \$550,000, which amount includes statutory attorney's fees and
18 costs, for the relief of Patsy Bauccho for injuries and damages
19 sustained.

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

25 Section 4. This act shall take effect upon becoming a
26 law.

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LEGISLATIVE SUMMARY

Provides an appropriation to Department of Transportation to compensate Patsy Baucco for injuries and damages she sustained as a result of the negligence of an employee of the department.