

By the Committee on Claims and 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 State Transportation (Primary) Trust Fund in the  
23 State Treasury, and the State Treasurer is directed to pay the  
24 same 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.