

By the Committee on Appropriations; and Senators Rouson and Ausley

576-03235-22

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1 A bill to be entitled
2 An act for the relief of Donna Catalano by the
3 Department of Agriculture and Consumer Services;
4 providing an appropriation to compensate Donna
5 Catalano for injuries and damages sustained as a
6 result of the negligence of Donald Gerard Burthe, an
7 employee of the Department of Agriculture and Consumer
8 Services; providing a limitation on the payment of
9 certain fees, costs, and other expenses; providing an
10 effective date.

11
12 WHEREAS, on June 26, 2019, Donald Gerard Burthe, an
13 employee of the Department of Agriculture and Consumer Services,
14 while operating a department vehicle during his employment, was
15 traveling west on U.S. Highway 90, and

16 WHEREAS, Donna Catalano, returning home after completing
17 her nursing shift at Tallahassee Memorial HealthCare, was
18 traveling east on U.S. Highway 90, and

19 WHEREAS, Mr. Burthe failed to maintain his lane of travel
20 and crossed the center line of U.S. Highway 90, resulting in a
21 head-on collision with Ms. Catalano's vehicle, and

22 WHEREAS, officers cited Mr. Burthe with a violation of s.
23 316.089, Florida Statutes, for failing to use a designated lane
24 and failing to drive within a single lane, and

25 WHEREAS, Ms. Catalano was transported to the emergency
26 department at Tallahassee Memorial HealthCare, suffering from a
27 left side rib fracture, a left upper arm and forearm open
28 fracture, a non-displaced fracture of the left leg, an open left
29 femur distal fracture, distension of the abdomen, tenderness of

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30 the left ribs, and abrasions to the left side of her face, and

31 WHEREAS, during the next four days, Ms. Catalano underwent
32 six surgeries to repair the various injuries suffered as a
33 result of the vehicular accident caused by Mr. Burthe, and

34 WHEREAS, on July 5, 2019, Ms. Catalano was transferred to
35 the Tallahassee Memorial HealthCare Rehabilitation Center by
36 ambulance to begin physical therapy for her injuries, staying
37 there for approximately 3 months until she was discharged in
38 September 2019 to continue physical therapy at home, and

39 WHEREAS, Ms. Catalano now suffers from chronic pain; mental
40 anguish, stress, and anxiety; stiff, aching knees that require
41 her to walk with a cane; an inability to straighten or lift her
42 right arm; and incontinence, and

43 WHEREAS, Ms. Catalano can no longer perform traditional
44 nursing duties as a result of these injuries, and

45 WHEREAS, Mr. Burthe, as an employee of the Department of
46 Agriculture and Consumer Services, acting within the scope of
47 his employment, owed a duty to Ms. Catalano to conduct himself
48 in a reasonable manner and exercise reasonable care, but
49 breached that duty by driving carelessly, and

50 WHEREAS, on July 10, 2020, Ms. Catalano filed a lawsuit
51 against the Department of Agriculture and Consumer Services to
52 recover damages as a result of the negligent conduct of the
53 department's employee, Mr. Burthe, and

54 WHEREAS, on July 15, 2021, the Department of Agriculture
55 and Consumer Services and Ms. Catalano reached a settlement
56 agreement for \$3,375,000, of which \$200,000 was paid by the
57 Division of Risk Management, and

58 WHEREAS, the Department of Agriculture and Consumer

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59 Services supports Ms. Catalano's efforts to seek the remainder
60 of the agreed-upon compensation, and

61 WHEREAS, due to the limits of s. 768.28, Florida Statutes,
62 at the time of the incident, Ms. Catalano has collected only
63 \$200,000 of her settlement agreement with the Department of
64 Agriculture and Consumer Services, and the remainder may be
65 recovered only through a claim bill approved by the Legislature,
66 NOW, THEREFORE,

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

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

72 Section 2. The sum of \$3,175,000 is appropriated from the
73 General Inspection Trust Fund to the Department of Agriculture
74 and Consumer Services for the relief of Donna Catalano for
75 injuries and damages sustained.

76 Section 3. The Chief Financial Officer is directed to draw
77 a warrant in favor of Donna Catalano in the sum of \$3,175,000
78 upon funds of the Department of Agriculture and Consumer
79 Services in the State Treasury and to pay the same out of such
80 funds in the State Treasury.

81 Section 4. The amount paid by the Department of Agriculture
82 and Consumer Services pursuant to s. 768.28, Florida Statutes,
83 and the amount awarded under this act are intended to provide
84 the sole compensation for all present and future claims arising
85 out of the factual situation described in this act which
86 resulted in injuries and damages to Donna Catalano. The total
87 amount paid for attorney fees relating to this claim may not

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88 exceed \$635,000, the total amount paid for lobbying fees may not
89 exceed \$158,750, and the total amount paid for costs or other
90 similar expenses may not exceed \$29,059.94.

91 Section 5. This act shall take effect upon becoming a law.