

Senate Bill No. 20

An act relating to the Florida Department of Transportation; providing for the relief of Patricia D. Baker; providing for an appropriation to compensate her for injuries and damages sustained as a result of the negligence of the Florida Department of Transportation; providing an effective date.

WHEREAS, on December 1, 1987, after returning from an out-of-state vacation, Patricia D. Baker, a resident of New Port Richey, Pasco County, Florida, stopped at the Florida Welcome Center on Highway I-75 in Jennings, Hamilton County, Florida, and

WHEREAS, while using the ladies restroom facilities at the Welcome Center, Mrs. Baker was raped and robbed at knifepoint, and

WHEREAS, Mrs. Baker's assailant entered the restroom easily and committed the crime unimpeded, and

WHEREAS, Patricia D. Baker was emotionally and physically injured by this occurrence, and

WHEREAS, the incident and injuries sustained on December 1, 1987, formed the basis of a legal action by Patricia D. Baker and her husband against the Department of Transportation alleging negligence in failing to provide adequate security at the Welcome Center rest area, negligent design of the Welcome Center complex, and failure to warn of known dangerous conditions, and

WHEREAS, evidence presented at trial through testimony of witnesses and records of state and local agencies demonstrated that because of the Welcome Center's location and the large number of persons frequenting I-75 in Jennings, criminal activity there was a special concern that was well documented, and

WHEREAS, within the preceding 3 years, criminal incidents at the Welcome Center and nearby state-maintained rest areas were numerous and included armed robbery, theft, burglaries, and attempted murder and sexual battery, and

WHEREAS, Patricia D. Baker presented at trial Florida Department of Transportation memoranda that demonstrated that the Department of Transportation was aware of the serious criminal activity and security problems of each rest area, and

WHEREAS, Patricia D. Baker presented at trial expert witness testimony showing that the Department of Transportation was negligent in designing the restrooms at the Welcome Center, and

WHEREAS, following trial in this case the jury awarded Patricia D. Baker \$450,760.90, which was reduced by the court to \$445,313.42, and her husband received an award of \$100,000, and

WHEREAS, prior to trial the Bakers served upon the Florida Department of Transportation a demand for judgment pursuant to section 768.79, Florida Statutes, offering to settle for a reasonable amount of \$190,000, an offer that was rejected by the Florida Department of Transportation, and

WHEREAS, following trial and the jury determination, the trial judge on January 27, 1997, concluded and entered Final Judgment for the Bakers awarding reasonable costs of \$21,574.39, and in addition awarded the Bakers \$136,335.85 in reasonable attorney's fees, and

WHEREAS, the Bakers have received from the Department of Transportation \$100,000 each in satisfaction of the awarded Final Judgment as provided by the statutory limits of liability set forth in section 768.28, Florida Statutes, and

WHEREAS, the unpaid Final Judgment of Patricia D. Baker is \$345,313.42 plus \$21,574.39 in reasonable costs and \$136,335.85 in reasonable attorney's fees, NOW, THEREFORE,

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

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

Section 2. The Executive Office of the Governor is directed to transfer existing spending authority or to establish spending authority from unappropriated trust fund balances in the Department of Transportation in the amount of \$443,223.66 to a new category titled "Relief: Patricia D. Baker" as relief for injuries and damages sustained.

Section 3. The Comptroller is directed to draw his warrants in favor of Patricia D. Baker in the aggregate sum of \$443,223.66 upon funds in the Department of Transportation in the State Treasury, and the State Treasurer is directed to pay that amount out of those funds, as follows: The sum of \$263,223.66 is to be paid by July 1, 1999, which includes \$105,313.42 toward the unpaid amount of the final judgment in favor of Patricia D. Baker, plus \$21,574.39 in reasonable costs and fees and \$136,335.85 in reasonable attorney's fees; and an additional \$180,000 is to be paid in nine equal annual installments of \$20,000 apiece beginning July 1, 2000, and continuing through July 1, 2008.

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

Approved by the Governor May 14, 1999.

Filed in Office Secretary of State May 14, 1999.