

## Committee Substitute for Senate Bill No. 16

An act for the relief of Patsy Bauccho; providing an appropriation to compensate her for injuries and damages she sustained as a result of the negligence of a Department of Transportation employee; providing an effective date.

WHEREAS, on or about April 27, 1998, at approximately 12:54 p.m., Valentino Bauccho, with his wife Patsy as his passenger, was driving south on State Road 93 (also known as I-75) in Ocala, Florida, when a Department of Transportation vehicle struck their vehicle, and

WHEREAS, the DOT vehicle, driven by a departmental employee, had been stopped on the far right shoulder of the road, known as the emergency lane, and

WHEREAS, the DOT vehicle traveled from the far right shoulder across three southbound lanes, perpendicular to oncoming traffic, in an effort to reach a cut-through to make a U-turn and proceed in the opposite, or northbound, direction on State Road 93, and

WHEREAS, as the DOT driver pulled into the third southbound lane, he hit the right front door and right front fender of the Baucchos' vehicle as it continued traveling in the left lane, and

WHEREAS, the driver of the DOT vehicle admits that he never saw the Bauccho vehicle until he hit it, and he also admits that he was performing an improper traffic maneuver when he hit the plaintiffs, and

WHEREAS, the crash caused both vehicles to go out of control and spin on the highway, and Mrs. Bauccho sustained serious, permanent injuries, and

WHEREAS, the Florida Highway Patrol charged the DOT employee with improper lane change, and

WHEREAS, Mrs. Bauccho received serious and significant bodily injury as a result of the accident: she lost four-fifths of her blood; she wore a Foley catheter for 3 months and now is incontinent; she had four fractures of her pelvis, several breaks of her right wrist, a highly comminuted fracture of her right femur, a highly comminuted fracture of her left tibia, a highly comminuted fracture of her left fibula, a highly comminuted fracture of her right fibula, a highly comminuted fracture of her right tibia, a highly comminuted fracture of her big toe, and a significant fracture of her left ring finger; and she has endured seven surgeries and is expected to need one or two more surgeries for a left-knee replacement and a right-hip replacement, and

WHEREAS, Mr. Bauccho is now caring for his wife and doing most of the household work that Mrs. Bauccho did before the accident, and

WHEREAS, Mrs. Bauccho has \$145,428.74 in past medical bills, and a life-care plan drawn for her projects, in present value, a lifetime cost of between \$270,986 and \$485,197 for her medical care, and

WHEREAS, litigation relating to these injuries was pursued, and, upon the filing of a motion for summary judgment, the Department of Transportation stipulated as to its liability, and

WHEREAS, on December 7, 2000, a mutually agreed-upon mediation was held to determine the amount of damages, and a settlement in the amount of \$750,000 was reached, and

WHEREAS, the Department of Transportation agreed to pay, on or about December 27, 2000, the sum of \$200,000, the limit payable under the statutory waiver of sovereign immunity, and

WHEREAS, the department has agreed to affirmatively support a claim bill for the remaining sum of \$550,000, 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 establish spending authority from unappropriated trust fund balances in the Department of Transportation in the amount of \$550,000 to a new category titled "Relief: Patsy Baucó" as relief for injuries and damages sustained.

Section 3. The Comptroller is directed to draw a warrant in favor of Patsy Baucó in accordance with the terms of the stipulated settlement agreement, in the sum of \$550,000, which amount includes statutory attorney's fees and costs, upon funds of the Department of Transportation in the State Treasury, and the State Treasurer is directed to pay the same out of such funds in the State Treasury.

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

Approved by the Governor June 5, 2002.

Filed in Office Secretary of State June 5, 2002.