

## CHAPTER 2022-226

### Committee Substitute for Senate Bill No. 70

An act for the relief of Donna Catalano by the Department of Agriculture and Consumer Services; providing an appropriation to compensate Donna Catalano for injuries and damages sustained as a result of the negligence of Donald Gerard Burthe, an employee of the Department of Agriculture and Consumer Services; providing a limitation on the payment of certain fees, costs, and other expenses; providing an effective date.

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, the Department of Agriculture and Consumer Services supports Ms. Catalano's efforts to seek the remainder of the agreed-upon compensation, and

WHEREAS, due to the limits of s. 768.28, Florida Statutes, at the time of the incident, Ms. Catalano has collected only \$200,000 of her settlement agreement with the Department of Agriculture and Consumer Services, and the remainder may be recovered only through a claim bill approved by the Legislature, 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 sum of \$3,175,000 is appropriated from the General Inspection Trust Fund to the Department of Agriculture and Consumer Services for the relief of Donna Catalano for injuries and damages sustained.

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

Section 4. The amount paid by the Department of Agriculture and Consumer Services pursuant to s. 768.28, Florida Statutes, and the amount awarded under this act are intended to provide the sole compensation for all present and future claims arising out of the factual situation described in this act which resulted in injuries and damages to Donna Catalano. The total amount paid for attorney fees relating to this claim may not exceed \$635,000, the total amount paid for lobbying fees may not exceed \$158,750, and the total amount paid for costs or other similar expenses may not exceed \$29,059.94.

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

Approved by the Governor May 20, 2022.

Filed in Office Secretary of State May 20, 2022.