



26 | department at Tallahassee Memorial HealthCare, suffering from a  
 27 | left side rib fracture, 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  
 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  
 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,

67 |

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

69 |

70 |       Section 1. The facts stated in the preamble to this act  
 71 | are 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.

CS/HB 6509

2022

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  
82 Agriculture and Consumer Services pursuant to s. 768.28, Florida  
83 Statutes, and the amount awarded under this act are intended to  
84 provide the sole compensation for all present and future claims  
85 arising 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  
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.