

By Senator Ingoglia

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1 A bill to be entitled
2 An act for the relief of Mark LaGatta; providing an
3 appropriation to compensate Mr. LaGatta for injuries
4 and damages sustained as a result of the negligence of
5 the Department of Transportation; providing a
6 limitation on compensation and the payment of attorney
7 fees; providing an effective date.
8

9 WHEREAS, on July 27, 2020, Mark LaGatta and his daughter,
10 Faith LaGatta, were lawfully traveling on Mr. LaGatta's
11 motorcycle eastbound on State Road 24 near the intersection with
12 SW 95th Avenue in Cedar Key, Levy County, and

13 WHEREAS, Mr. LaGatta, who was 57 years old at the time, was
14 operating the motorcycle, and Faith LaGatta was a passenger on
15 the motorcycle, and

16 WHEREAS, the Department of Transportation was doing
17 roadwork on State Road 24 to repair damage caused to the road by
18 a sinkhole, and

19 WHEREAS, the department created a work zone, marking the
20 closed westbound lane with cones and leaving only the eastbound
21 lane open for travel, and

22 WHEREAS, the department's work zone had flaggers present to
23 direct the flow of traffic, and a flagger directed Mr. LaGatta
24 to proceed eastbound through the work zone, and

25 WHEREAS, an employee of the department was operating a
26 tractor with a box blade attachment in the westbound travel
27 lane, and

28 WHEREAS, the employee backed up into the eastbound travel
29 lane, directly in front of Mr. LaGatta, causing a collision

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30 between the tractor's box blade and Mr. LaGatta's motorcycle,
31 and

32 WHEREAS, as a result of the accident, Mr. LaGatta sustained
33 severe injuries to his legs which resulted in the amputation of
34 his left leg, and

35 WHEREAS, Mr. LaGatta was hospitalized for several weeks as
36 a result of the accident, underwent 7 surgeries and a
37 tracheotomy, and was placed in an induced coma, and

38 WHEREAS, Mr. LaGatta was hospitalized when COVID-19
39 protocols were enforced, and none of his five children were
40 allowed to visit him in the hospital, and

41 WHEREAS, Mr. LaGatta remains medically unable to return to
42 his career as a maintenance engineer, and

43 WHEREAS, Mr. LaGatta suffered bodily injury resulting in
44 pain and suffering; disability; disfigurement; mental anguish;
45 lost capacity for the enjoyment of life; the expense of
46 hospitalization and medical and nursing care and treatment; lost
47 earnings; and lost earning capacity from the time of the
48 accident forward, and

49 WHEREAS, on February 28, 2023, in resolving the civil
50 action brought in circuit court for the Eighth Judicial Circuit,
51 in and for Levy County, Case No. 38 2021 CA 54, a final judgment
52 was entered in favor of Mr. LaGatta against the Department of
53 Transportation, in the amount of \$2.32 million, and

54 WHEREAS, the Department of Transportation has paid \$120,000
55 to Mr. LaGatta under s. 768.28, Florida Statutes, and

56 WHEREAS, the Department of Transportation has agreed to
57 support this claim bill, NOW, THEREFORE,
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59 Be It Enacted by the Legislature of the State of Florida:

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

63 Section 2. The sum of \$2.2 million is appropriated from the
64 General Revenue Fund to the Department of Transportation for the
65 relief of Mark LaGatta for injuries and damages sustained.

66 Section 3. The Chief Financial Officer is directed to draw
67 a warrant in favor of Mark LaGatta in the amount of \$2.2 million
68 upon funds of the Department of Transportation in the State
69 Treasury and to pay the same out of such funds in the State
70 Treasury.

71 Section 4. The amount paid by the Department of
72 Transportation pursuant to s. 768.28, Florida Statutes, and the
73 amount awarded under this act are intended to provide the sole
74 compensation for all present and future claims arising out of
75 the factual situation described in this act which resulted in
76 injuries and damages to Mark LaGatta. The total amount paid for
77 attorney fees relating to this claim may not exceed 25 percent
78 of the total amount awarded under this act.

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