

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  
 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,

HB 6001

2024

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,

58 |

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

60 |

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

63 |       Section 2. The sum of \$2.2 million is appropriated from  
 64 | the General Revenue Fund to the Department of Transportation for  
 65 | the 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

HB 6001

2024

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.