

By the Committee on Judiciary; and Senator Gruters

590-02601-25

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1 A bill to be entitled

2 An act for the relief of Kristen and Lia McIntosh;
3 providing an appropriation to compensate Kristen and
4 Lia McIntosh for injuries and damages sustained as a
5 result of the negligence of an employee of the
6 Department of Agriculture and Consumer Services;
7 providing a limitation on the payment of compensation
8 and attorney fees; providing an effective date.

9
10 WHEREAS, at approximately 8:30 p.m. on February 12, 2022,
11 Officer James Michael McWhorter of the Law Enforcement Division
12 of the Department of Agriculture and Consumer Services, while
13 operating a state-owned 2019 Dodge Charger in Nassau County,
14 attempted to cross Interstate 95 in a westerly direction across
15 northbound and southbound travel lanes in the dark and with
16 complete disregard for the right-of-way of approaching motorists
17 traveling within authorized highway speeds, and

18 WHEREAS, in traversing the interstate, Officer McWhorter
19 drove into the path of a vehicle traveling southbound containing
20 a driver and three passengers, husband and wife Ronald and
21 Elizabeth Thornton, who were in the front seats, and their two
22 teenage daughters, Kristen and Lia McIntosh, who were in the
23 rear seats, and

24 WHEREAS, Officer McWhorter's actions caused the two
25 vehicles to violently collide on the interstate, resulting in
26 serious injuries to Mr. and Mrs. Thornton and their daughters,
27 and to Officer McWhorter, who subsequently died as a result of
28 his injuries, and

29 WHEREAS, as a result of the collision, Kristen McIntosh

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30 suffered a traumatic brain injury, multiple spinal fractures,
31 and posttraumatic stress disorder, resulting in pain and
32 suffering, disability, disfigurement, mental anguish, emotional
33 distress, loss of capacity for the enjoyment of life, expense of
34 hospitalization, medical and nursing care and treatment, loss of
35 earnings, loss of ability to earn money, and aggravation of any
36 previously existing condition, and

37 WHEREAS, as a result of the collision, Lia McIntosh
38 suffered a fractured neck, a spinal fracture, a collapsed lung,
39 internal bleeding, a bowel tear, and posttraumatic stress
40 disorder, resulting in pain and suffering, disability or
41 physical impairment, disfigurement, mental anguish,
42 inconvenience, loss of capacity for the enjoyment of life, and
43 aggravation of any previously existing condition, and

44 WHEREAS, the Thornton-McIntosh family filed a lawsuit in
45 the Circuit Court of the Fourth Judicial Circuit in and for
46 Nassau County under case number 2023-CA-0014 against the
47 Department of Agriculture and Consumer Services seeking
48 compensatory damages for the injuries sustained in the crash,
49 and

50 WHEREAS, during the course of the litigation, the
51 Department of Agriculture and Consumer Services agreed that the
52 injuries sustained by Kristen and Lia McIntosh far exceeded the
53 statutory limit of \$200,000 per person and \$300,000 per incident
54 and would likely result in a multimillion-dollar verdict in
55 their favor if tried before a judge or jury, and

56 WHEREAS, in April 2024, a settlement agreement was entered
57 into between the parties, whereby the Department of Agriculture
58 and Consumer Services agreed to pay its capped statutory limits

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59 of \$300,000 to the family and support a claim bill to recover
60 additional damages for the severe injuries sustained by Kristen
61 and Lia McIntosh, and

62 WHEREAS, pursuant to the settlement agreement, a consent
63 judgment was entered by the circuit court in the amount of
64 \$1.001 million to Kristen McIntosh and \$1.251 million to
65 Elizabeth Thornton as parent and natural guardian of Lia
66 McIntosh, a minor child, with payment of this judgment
67 contingent upon passage of this claim bill, which is fully
68 supported by the Department of Agriculture and Consumer
69 Services, NOW, THEREFORE,

70
71 Be It Enacted by the Legislature of the State of Florida:

72
73 Section 1. The facts stated in the preamble to this act are
74 found and declared to be true.

75 Section 2. The sum of \$2.252 million is appropriated from
76 the General Revenue Fund to the Department of Agriculture and
77 Consumer Services for the relief of Kristen and Lia McIntosh for
78 injuries and damages sustained.

79 Section 3. The Chief Financial Officer is directed to draw
80 warrants payable to Kristen McIntosh in the sum of \$1.001
81 million and to Elizabeth Thornton, as parent and natural
82 guardian of Lia McIntosh, a minor child, to be placed in a trust
83 created for the exclusive use and benefit of Lia McIntosh, in
84 the sum of \$1.251 million upon funds of the Department of
85 Agriculture and Consumer Services in the State Treasury and to
86 pay the same out of such funds in the State Treasury.

87 Section 4. The amount paid by the Department of Agriculture

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88 and Consumer Services pursuant to s. 768.28, Florida Statutes,
89 under the settlement agreement and the amount awarded under this
90 act are intended to provide the sole compensation for all
91 present and future claims arising out of the factual situation
92 described in this act which resulted in injuries and damages to
93 Kristen and Lia McIntosh. The total amount paid for attorney
94 fees relating to this claim may not exceed 25 percent of the
95 total amount awarded under this act.

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