

By Senator McClain

9-00418-25

202578__

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

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

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

16 WHEREAS, the Department of Transportation was in the
17 process of roadwork on State Road 24 to repair sinkhole damage,
18 and

19 WHEREAS, the department created a work zone, marking the
20 closed westbound lane with cones, 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

9-00418-25

202578__

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 seven 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 was medically unable to return to his
42 career as a maintenance engineer, and

43 WHEREAS, on February 28, 2023, in resolving the civil
44 action brought in the Circuit Court for the Eighth Judicial
45 Circuit, in and for Levy County, Case No. 38-2021-CA-54, a final
46 judgment was entered in favor of Mr. LaGatta against the
47 Department of Transportation, in the amount of \$2.32 million,
48 and

49 WHEREAS, in August 2024, Mr. LaGatta passed away after
50 suffering bodily injury resulting in pain and suffering;
51 disability; disfigurement; mental anguish; lost capacity for the
52 enjoyment of life; the expense of hospitalization and medical
53 and nursing care and treatment; lost earnings; and lost earning
54 capacity following his accident, and

55 WHEREAS, the department paid \$120,000 to Mr. LaGatta under
56 s. 768.28, Florida Statutes, before his passing, with the
57 remainder of the judgment now payable to his estate, and

58 WHEREAS, the department has agreed to support this claim

9-00418-25

202578__

59 bill, NOW, THEREFORE,

60

61 Be It Enacted by the Legislature of the State of Florida:

62

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

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

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

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

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