

By Senator McClain

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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 Mr. LaGatta as a
5 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

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

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

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

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

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

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

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

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

WHEREAS, the department has agreed to support this claim

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bill, NOW, THEREFORE,

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

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

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

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

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

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