

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  
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  
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  
74 are found and declared to be true.

75 **Section 2.** The sum of \$2.252 million is appropriated from

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

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