

## CHAPTER 2025-216

### Committee Substitute for Senate Bill No. 26

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

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

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

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

WHEREAS, as a result of the collision, Kristen McIntosh suffered a traumatic brain injury, multiple spinal fractures, and posttraumatic stress disorder, resulting in pain and suffering, disability, disfigurement, mental anguish, emotional distress, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of any previously existing condition, and

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

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

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

WHEREAS, in April 2024, a settlement agreement was entered into between the parties, whereby the Department of Agriculture and Consumer Services agreed to pay its capped statutory limits of \$300,000 to the family and support a claim bill to recover additional damages for the severe injuries sustained by Kristen and Lia McIntosh, and

WHEREAS, pursuant to the settlement agreement, a consent judgment was entered by the circuit court in the amount of \$1.001 million to Kristen McIntosh and \$1.251 million to Elizabeth Thornton as parent and natural guardian of Lia McIntosh, a minor child, with payment of this judgment contingent upon passage of this claim bill, which is fully supported by the Department of Agriculture and Consumer Services, 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 \$2.252 million is appropriated from the General Revenue Fund to the Department of Agriculture and Consumer Services for the relief of Kristen and Lia McIntosh for injuries and damages sustained.

Section 3. The Chief Financial Officer is directed to draw warrants payable to Kristen McIntosh in the sum of \$1.001 million and to Elizabeth Thornton, as parent and natural guardian of Lia McIntosh, a minor child, to be placed in a trust created for the exclusive use and benefit of Lia McIntosh, in the sum of \$1.251 million upon funds of the Department of Agriculture and Consumer Services 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 Agriculture and Consumer Services pursuant to s. 768.28, Florida Statutes, under the settlement agreement 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 Kristen and Lia McIntosh. 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.

Approved by the Governor July 1, 2025.

Filed in Office Secretary of State July 1, 2025.