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1 A bill to be entitled

2 An act relating to the Department of Agriculture and  
3 Consumer Services; providing for the relief of Laura  
4 Laporte for injuries she sustained as a result of  
5 negligence by an employee of the department; providing for  
6 attorney's fees and costs; providing an effective date.

7  
8 WHEREAS, on October 9, 1999, Sandra Jackson, a grove  
9 inspector for the Department of Agriculture and Consumer  
10 Services, was driving a four-wheel-drive truck southward on 66th  
11 Avenue in Indian River County, Florida, a straight two-lane  
12 road, and

13 WHEREAS, Ms. Jackson's vehicle pulled into the path of a  
14 vehicle driven northward on 66th Avenue by Laura Laporte,  
15 causing the vehicles to collide nearly head-on and extensively  
16 damaging both vehicles, and

17 WHEREAS, at the time of the accident, Ms. Jackson was  
18 acting within the course and scope of her employment, and the  
19 Department of Agriculture and Consumer Services admitted  
20 liability for the negligent conduct of its employee, and

21 WHEREAS, medical records obtained during the court case  
22 filed on behalf of Laura Laporte revealed that Ms. Jackson had  
23 opiates and benzodiazepines in her system at the time of the  
24 accident and her employment file at the Department of  
25 Agriculture and Consumer Services contained evidence that  
26 department officials were aware that Ms. Jackson was taking  
27 certain prescription medications, including Vicodin, Soma,  
28 Xanax, Prozac, and Phenegren, and

29 WHEREAS, the crash severely injured Laura Laporte's lower  
30 extremities and, over the following 2 years, Ms. Laporte



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31 underwent four major orthopedic surgeries to her legs at a cost  
32 in excess of \$160,000, and

33 WHEREAS, notwithstanding surgical intervention, Ms. Laporte  
34 remains in extensive pain, has impaired mobility, and, according  
35 to her physicians, will be permanently impaired, in spite of  
36 anticipated surgery, and

37 WHEREAS, the cost of future medical expenses and household  
38 assistance for Ms. Laporte is anticipated to approach \$500,000,  
39 and

40 WHEREAS, in addition to the injuries suffered on October 9,  
41 1999, Ms. Laporte suffers from muscular dystrophy, which was  
42 diagnosed when she was a teenager and which mainly affects the  
43 strength of her upper extremities, and

44 WHEREAS, notwithstanding her physical limitations, before  
45 the accident Ms. Laporte was very active as the owner of a  
46 mobile petting zoo, operated numerous summer and after-school  
47 programs for children, and spent many hours riding horses, and

48 WHEREAS, following the accident, Ms. Laporte is unable to  
49 properly care for her animals and requires assistance if she  
50 falls, and

51 WHEREAS, on January 10, 2002, a jury returned a verdict  
52 awarding \$5,582,776.82 in damages to Laura Laporte, and the  
53 Department of Agriculture and Consumer Services moved for a  
54 remittitur, claiming that the damage award was excessive, and

55 WHEREAS, the trial judge affirmed the jury's decision, and  
56 a final judgment in the amount of \$5,600,647.81, representing  
57 the amount of the verdict plus taxable costs, was signed by the  
58 court on May 13, 2002, and

59 WHEREAS, after the Department of Agriculture and Consumer  
60 Services has paid \$100,000 pursuant to its obligation under



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61 section 768.28, Florida Statutes, the remaining excess judgment  
 62 amount owed will be \$5,500,647.81, NOW, THEREFORE,

63

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

65

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

68 Section 2. The sum of \$5,500,647.81 is appropriated from  
 69 the General Revenue Fund to the Department of Agriculture and  
 70 Consumer Services, which amount includes attorney's fees and  
 71 costs, for the relief of Laura Laporte for injuries and damages  
 72 sustained.

73 Section 3. The Chief Financial Officer is directed to draw  
 74 a warrant in favor of Laura Laporte in the sum of \$5,500,647.81  
 75 upon funds of the Department of Agriculture and Consumer  
 76 Services, and the Chief Financial Officer is directed to pay the  
 77 same out of funds in the State Treasury.

78 Section 4. This act shall take effect upon becoming a law.