By Senator Pruitt

	28-22A-03
1	A bill to be entitled
2	An act relating to the Department of
3	Agriculture and Consumer Services; providing
4	for the relief of Laura Laporte for injuries
5	she sustained as a result of negligence by an
6	employee of the department; providing for
7	attorney's fees and costs; providing an
8	effective date.
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10	WHEREAS, on October 9, 1999, Sandra Jackson, a grove
11	inspector for the Department of Agriculture and Consumer
12	Services, was driving a four-wheel-drive truck southward on
13	66th Avenue in Indian River County, Florida, a straight
14	two-lane road, and
15	WHEREAS, Ms. Jackson's vehicle pulled into the path of
16	a vehicle driven northward on 66th Avenue by Laura Laporte,
17	causing the vehicles to collide nearly head-on and extensively
18	damaging both vehicles, and
19	WHEREAS, at the time of the accident, Ms. Jackson was
20	acting within the course and scope of her employment, and the
21	Department of Agriculture and Consumer Services admitted
22	liability for the negligent conduct of its employee, and
23	WHEREAS, medical records obtained during the court case
24	filed on behalf of Laura Laporte revealed that Ms. Jackson had
25	opiates and benzodiazepines in her system at the time of the
26	accident and her employment file at the Department of
27	Agriculture and Consumer Services contained evidence that
28	department officials were aware that Ms. Jackson was taking
29	certain prescription medications, including Vicodin, Soma,
30	Xanax, Prozac, and Phenegren, and
31	
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**CODING:**Words stricken are deletions; words <u>underlined</u> are additions.

Florida Senate - 2003 (NP) (Corrected Copy) SB 14 28-22A-03

1 WHEREAS, the crash severely injured Laura Laporte's lower extremities and, over the following 2 years, Ms. Laporte 2 3 underwent four major orthopedic surgeries to her legs at a 4 cost in excess of \$160,000, and 5 WHEREAS, notwithstanding surgical intervention, Ms. 6 Laporte remains in extensive pain, has impaired mobility, and, 7 according to her physicians, will be permanently impaired, in 8 spite of anticipated surgery, and 9 WHEREAS, the cost of future medical expenses and 10 household assistance for Ms. Laporte is anticipated to 11 approach \$500,000, and WHEREAS, in addition to the injuries suffered on 12 13 October 9, 1999, Ms. Laporte suffers from muscular dystrophy, which was diagnosed when she was a teenager and which mainly 14 affects the strength of her upper extremities, and 15 WHEREAS, notwithstanding her physical limitations, 16 17 before the accident Ms. Laporte was very active as the owner 18 of a mobile petting zoo, operated numerous summer and 19 after-school programs for children, and spent many hours 20 riding horses, and WHEREAS, following the accident, Ms. Laporte is unable 21 to properly care for her animals and requires assistance if 22 she falls, and 23 24 WHEREAS, on January 10, 2002, a jury returned a verdict 25 awarding \$5,582,776.82 in damages to Laura Laporte, and the Department of Agriculture and Consumer Services moved for a 26 remittitur, claiming that the damage award was excessive, and 27 28 WHEREAS, the trial judge affirmed the jury's decision, 29 and a final judgment in the amount of \$5,600,647.81, representing the amount of the verdict plus taxable costs, was 30 31 signed by the court on May 13, 2002, and 2

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1 WHEREAS, after the Department of Agriculture and 2 Consumer Services has paid \$100,000 pursuant to its obligation 3 under section 768.28, Florida Statutes, the remaining excess judgment amount owed will be \$5,500,647.81, NOW, THEREFORE, 4 5 б Be It Enacted by the Legislature of the State of Florida: 7 8 Section 1. The facts stated in the preamble to this 9 act are found and declared to be true. 10 Section 2. The sum of \$5,500,647.81 is appropriated from the General Revenue Fund to the Department of Agriculture 11 and Consumer Services, which amount includes attorney's fees 12 13 and costs, for the relief of Laura Laporte for injuries and 14 damages sustained. 15 Section 3. The Comptroller is directed to draw a warrant in favor of Laura Laporte in the sum of \$5,500,647.81 16 17 upon funds of the Department of Agriculture and Consumer 18 Services, and the State Treasurer is directed to pay the same 19 out of funds in the State Treasury. 20 Section 4. This act shall take effect upon becoming a 21 law. 22 23 24 SENATE SUMMARY Appropriates funds for the relief of Laura Laporte for injuries caused by the negligence of an employee of the Department of Agriculture and Consumer Services. 25 26 27 28 29 30 31 3

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