

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

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

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

16           WHEREAS, notwithstanding her physical limitations,  
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

21           WHEREAS, following the accident, Ms. Laporte is unable  
22 to properly care for her animals and requires assistance if  
23 she falls, and

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

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

