

By Senator Clary

4-7-04

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

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
4 judgment amount owed will be \$5,500,647.81, NOW, THEREFORE,

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

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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
11 from the General Revenue Fund to the Department of Agriculture
12 and Consumer Services, which amount includes attorney's fees
13 and costs, for the relief of Laura Laporte for injuries and
14 damages sustained.

15 Section 3. The Chief Financial Officer is directed to
16 draw a warrant in favor of Laura Laporte in the sum of
17 \$5,500,647.81 upon funds of the Department of Agriculture and
18 Consumer Services, and the Chief Financial Officer is directed
19 to pay the same out of funds in the State Treasury.

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

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24 SENATE SUMMARY

25 Appropriates funds for the relief of Laura Laporte for
26 injuries caused by the negligence of an employee of the
27 Department of Agriculture and Consumer Services.