

HB 0829

2004

1 A bill to be entitled

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

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

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

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

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

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30 WHEREAS, the crash severely injured Laura Laporte's lower  
 31 extremities and, over the following 2 years, Ms. Laporte  
 32 underwent four major orthopedic surgeries to her legs at a cost  
 33 in excess of \$160,000, and

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

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

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

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

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

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

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

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60 WHEREAS, the Department of Agriculture and Consumer  
 61 Services has paid \$100,000 pursuant to its obligation under  
 62 section 768.28, Florida Statutes, leaving a remaining excess  
 63 judgment amount of \$5,500,647.81, NOW, THEREFORE,

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

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

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

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

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