By Senator Clary

4-63-05

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 an
7	appropriation; providing for attorney's fees
8	and costs; providing an 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
27	WHEREAS, the crash severely injured Laura Laporte's
28	lower extremities and, over the following 2 years, Ms. Laporte
29	underwent four major orthopedic surgeries to her legs at a
30	cost in excess of \$160,000, and
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1	WHEREAS, notwithstanding surgical intervention, Ms.
2	Laporte remains in extensive pain, has impaired mobility, and,
3	according to her physicians, will be permanently impaired in
4	spite of anticipated surgery, and
5	WHEREAS, the cost of future medical expenses and
6	household assistance for Ms. Laporte is anticipated to
7	approach \$500,000, and
8	WHEREAS, in addition to the injuries suffered on
9	October 9, 1999, Ms. Laporte suffers from muscular dystrophy,
10	which was diagnosed when she was a teenager and which mainly
11	affects the strength of her upper extremities, and
12	WHEREAS, notwithstanding her physical limitations,
13	before the accident Ms. Laporte was very active as the owner
14	of a mobile petting zoo, operated numerous summer and
15	after-school programs for children, and spent many hours
16	riding horses, and
17	WHEREAS, following the accident, Ms. Laporte is unable
18	to properly care for her animals and requires assistance if
19	she falls, and
20	WHEREAS, on January 10, 2002, a jury returned a verdict
21	awarding \$5,582,776.82 in damages to Laura Laporte, and the
22	Department of Agriculture and Consumer Services moved for a
23	remittitur, claiming that the damage award was excessive, and
24	WHEREAS, the trial judge affirmed the jury's decision,
25	and a final judgment in the amount of \$5,600,647.81,
26	representing the amount of the verdict plus taxable costs, was
27	signed by the court on May 13, 2002, and
28	WHEREAS, after the Department of Agriculture and
29	Consumer Services has paid \$100,000 pursuant to its obligation
30	under section 768.28, Florida Statutes, the remaining excess
31	judgment amount owed will be \$5,500,647.81, NOW, THEREFORE,

1	Be It Enacted by the Legislature of the State of Florida:
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3	Section 1. The facts stated in the preamble to this
4	act are found and declared to be true.
5	Section 2. The sum of \$5,500,647.81 is appropriated
6	from the General Revenue Fund to the Department of Agriculture
7	and Consumer Services, which amount includes attorney's fees
8	and costs, for the relief of Laura Laporte for injuries and
9	damages sustained.
10	Section 3. The Chief Financial Officer is directed to
11	draw a warrant in favor of Laura Laporte in the sum of
12	\$5,500,647.81 upon funds of the Department of Agriculture and
13	Consumer Services, and the Chief Financial Officer is directed
14	to pay the same out of funds in the State Treasury.
15	Section 4. This act shall take effect upon becoming a
16	law.
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19	SENATE SUMMARY
20	Appropriates funds for the relief of Laura Laporte for injuries caused by the negligence of an employee of the
21	Department of Agriculture and Consumer Services.
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