

By Senator Clary

4-63-05

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A bill to be entitled

An act relating to the Department of Agriculture and Consumer Services; providing for the relief of Laura Laporte for injuries she sustained as a result of negligence by an employee of the department; providing an appropriation; providing for attorney's fees and costs; providing an effective date.

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

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

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

WHEREAS, medical records obtained during the court case filed on behalf of Laura Laporte revealed that Ms. Jackson had opiates and benzodiazepines in her system at the time of the accident, and

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

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,

