

HB 1159

2006

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

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

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28 | underwent four major orthopedic surgeries to her legs at a cost
29 | in excess of \$160,000, and

30 | WHEREAS, notwithstanding surgical intervention, Ms. Laporte
31 | remains in extensive pain, has impaired mobility, and, according
32 | to her physicians, will be permanently impaired, in spite of
33 | anticipated surgery, and

34 | WHEREAS, the cost of future medical expenses and household
35 | assistance for Ms. Laporte is anticipated to approach \$500,000,
36 | and

37 | WHEREAS, in addition to the injuries suffered on October 9,
38 | 1999, Ms. Laporte suffers from muscular dystrophy, which was
39 | diagnosed when she was a teenager and which mainly affects the
40 | strength of her upper extremities, and

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

45 | WHEREAS, following the accident, Ms. Laporte is unable to
46 | properly care for her animals and requires assistance if she
47 | falls, and

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

52 | WHEREAS, the trial judge affirmed the jury's decision, and
53 | a final judgment in the amount of \$5,600,647.81, representing
54 | the amount of the verdict plus taxable costs, was signed by the
55 | court on May 13, 2002, and

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

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

62

63 Section 1. The facts stated in the preamble to this act
64 are found and declared to be true.

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

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

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