

By Senator Clary

4-119-06

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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,

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

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

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

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

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

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SENATE SUMMARY

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