

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           authorizing specified trust fund expenditures; providing  
7           for a limitation on payment of fees and costs; providing  
8           an effective date.

9  
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 66th  
13           Avenue in Indian River County, Florida, a straight two-lane  
14           road, and

15           WHEREAS, Ms. Jackson's vehicle pulled into the path of a  
16           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 lower  
28           extremities and, over the following 2 years, Ms. Laporte

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

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

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

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

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

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

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

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

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

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

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

66 Section 2. The total sum of \$4,000,000 is appropriated to  
67 the Department of Agriculture and Consumer Services as follows:

68 (1) Two million dollars from the General Revenue Fund; and

69 (2) Two million dollars from the Incidental Trust Fund  
70 within the Department of Agriculture and Consumer Services

71  
72 for the relief of Laura Laporte for injuries and damages  
73 sustained.

74 Section 3. Notwithstanding any statutory limitation on the  
75 use of money in the trust fund from which money is appropriated  
76 by this act, expenditures from that trust fund are hereby  
77 authorized during the 2007-2008 fiscal year as provided by this  
78 act.

79 Section 4. The Chief Financial Officer is directed to draw  
80 a warrant in favor of Laura Laporte in the sum of \$4,000,000  
81 upon funds of the Department of Agriculture and Consumer  
82 Services, and the Chief Financial Officer is directed to pay the  
83 same out of such funds in the State Treasury.

84 Section 5. This award is intended to provide the sole

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85 compensation for any present and future claims arising out of  
86 the factual situation in connection with the injury to Laura  
87 Laporte. Not more than 25 percent of the award may be paid by  
88 the claimant for attorney's fees, lobbying fees, costs, or other  
89 similar expenses.

90 Section 6. This act shall take effect upon becoming a law.