

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

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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

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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. (1) The total sum of \$4,000,000 is
67 appropriated to the Department of Agriculture and Consumer
68 Services as follows:

69 (a) Two million dollars from the General Revenue Fund; and

70 (b) Two million dollars from the Incidental Trust Fund
71 within the Department of Agriculture and Consumer Services
72
73 for the relief of Laura Laporte for injuries and damages
74 sustained.

75 (2) Notwithstanding any statutory limitation on the use of
76 money in the Incidental Trust Fund within the Department of
77 Agriculture and Consumer Services from which money is
78 appropriated by this act, expenditures from that trust fund are
79 hereby authorized during the 2008-2009 fiscal year as provided
80 by this act.

81 (3) The amount awarded under this act is intended to
82 provide the sole compensation for any present and future claims
83 arising out of the factual situation in connection with the
84 injury to Laura Laporte. Not more than 25 percent of the award

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85 may be paid by the claimant for attorney's fees, lobbying fees,
86 costs, or other similar expenses.

87 Section 3. The Chief Financial Officer is directed to draw
88 a warrant in favor of Laura Laporte in the sum of \$4,000,000
89 upon funds of the Department of Agriculture and Consumer
90 Services, and the Chief Financial Officer is directed to pay the
91 same out of such funds in the State Treasury.

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