



201858

CHAMBER ACTION

| <u>Senate</u> | . | <u>House</u> |
|---------------|---|--------------|
| Comm: RCS | . | |
| 4/1/2008 | . | |
| | . | |
| | . | |

1 The Committee on Judiciary (Baker) recommended the following
 2 **amendment:**

Senate Amendment (with title amendment)

5 Delete everything after the enacting clause
6 and insert:

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

9 Section 2. (1) The total sum of \$4,000,000 is appropriated
10 to the Department of Agriculture and Consumer Services as
11 follows:

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

13 (b) Two million dollars from the Incidental Trust Fund

14 within the Department of Agriculture and Consumer Services

15
16 for the relief of Laura Laporte for injuries and damages

17 sustained.



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18 (2) Notwithstanding any statutory limitation on the use of
 19 money in the Incidental Trust Fund within the Department of
 20 Agriculture and Consumer Services from which money is
 21 appropriated by this act, expenditures from that trust fund are
 22 hereby authorized during the 2008-2009 fiscal year as provided by
 23 this act.

24 (3) The amount awarded under this act is intended to
 25 provide the sole compensation for any present and future claims
 26 arising out of the factual situation in connection with the
 27 injury to Laura Laporte. Not more than 25 percent of the award
 28 may be paid by the claimant for attorney's fees, lobbying fees,
 29 costs, or other similar expenses.

30 Section 3. The Chief Financial Officer is directed to draw
 31 a warrant in favor of Laura Laporte in the sum of \$4,000,000 upon
 32 funds of the Department of Agriculture and Consumer Services, and
 33 the Chief Financial Officer is directed to pay the same out of
 34 such funds in the State Treasury.

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

36
 37 ===== T I T L E A M E N D M E N T =====

38 And the title is amended as follows:

39 Delete everything before the enacting clause
 40 and insert:

41 A bill to be entitled
 42 An act for the relief of Laura Laporte; providing an
 43 appropriation to compensate Laura Laporte for injuries she
 44 sustained as a result of the negligence of an employee of the
 45 Department of Agriculture and Consumer Services; authorizing
 46 specified trust fund expenditures; providing for a limitation on



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47 | payment of fees and costs; providing an effective date.;
48 | providing an effective date.

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

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

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

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

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

70 | WHEREAS, notwithstanding surgical intervention, Ms. Laporte
71 | remains in extensive pain, has impaired mobility, and, according
72 | to her physicians, will be permanently impaired, in spite of
73 | anticipated surgery, and

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



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77 WHEREAS, in addition to the injuries suffered on October 9,
78 1999, Ms. Laporte suffers from muscular dystrophy, which was
79 diagnosed when she was a teenager and which mainly affects the
80 strength of her upper extremities, and

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

85 WHEREAS, following the accident, Ms. Laporte is unable to
86 properly care for her animals and requires assistance if she
87 falls, and

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

92 WHEREAS, the trial judge affirmed the jury's decision, and a
93 final judgment in the amount of \$5,600,647.81, representing the
94 amount of the verdict plus taxable costs, was signed by the court
95 on May 13, 2002, and

96 WHEREAS, the Department of Agriculture and Consumer Services
97 has paid \$100,000 pursuant to its obligation under section
98 768.28, Florida Statutes, leaving a remaining excess judgment
99 amount of \$5,500,647.81, NOW, THEREFORE,

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