

By the Committee on Judiciary; and Senator Lawson

590-06358-08

200834c1

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 a limitation on payment of fees and costs;
7 directing the Chief Financial Officer to draw a warrant
8 and make payment; providing 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 road,
14 and

15 WHEREAS, Ms. Jackson's vehicle pulled into the path of a
16 vehicle driven northward on 66th Avenue by Laura Laporte, causing
17 the vehicles to collide nearly head-on and extensively damaging
18 both vehicles, and

19 WHEREAS, at the time of the accident, Ms. Jackson was acting
20 within the course and scope of her employment, and the Department
21 of Agriculture and Consumer Services admitted liability for the
22 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

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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 mobile
44 petting zoo, operated numerous summer and after-school programs
45 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 a
54 final judgment in the amount of \$5,600,647.81, representing the
55 amount of the verdict plus taxable costs, was signed by the court
56 on May 13, 2002, and

57 WHEREAS, the Department of Agriculture and Consumer Services
58 has paid \$100,000 pursuant to its obligation under section

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59 768.28, Florida Statutes, leaving a remaining excess judgment
60 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 are
65 found and declared to be true.

66 Section 2. (1) The total sum of \$4 million is appropriated
67 from the General Revenue Fund to the Department of Agriculture
68 and Consumer Services for the relief of Laura Laporte for
69 injuries and damages sustained.

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

76 Section 3. The Chief Financial Officer is directed to draw
77 a warrant in favor of Laura Laporte in the sum of \$4 million upon
78 funds of the Department of Agriculture and Consumer Services, and
79 the Chief Financial Officer is directed to pay the same out of
80 such funds in the State Treasury.

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