

By Senator Lawson

6-00176-08

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1 A bill to be entitled

2 An act relating to the Department of Agriculture and
3 Consumer Services; providing for the relief of Laura
4 Laporte for injuries she sustained as a result of
5 negligence by an employee of the department; providing an
6 appropriation; providing a limitation on the payment of
7 fees and costs; providing an effective date.

8
9 WHEREAS, on October 9, 1999, Sandra Jackson, a grove
10 inspector for the Department of Agriculture and Consumer
11 Services, was driving a four-wheel-drive truck southward on 66th
12 Avenue in Indian River County, Florida, a straight two-lane road,
13 and

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

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

22 WHEREAS, medical records obtained during the court case
23 filed on behalf of Laura Laporte revealed that Ms. Jackson had
24 opiates and benzodiazepines in her system at the time of the
25 accident, and

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

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

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

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

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

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

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

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

56 WHEREAS, after the Department of Agriculture and Consumer
57 Services has paid \$100,000 pursuant to its obligation under s.
58 768.28, Florida Statutes, the remaining excess judgment amount

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59 owed will be \$5,500,647.81, NOW, THEREFORE,

60

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

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

65 Section 2. The sum of \$5,500,647.81 is appropriated from
66 the General Revenue Fund to the Department of Agriculture and
67 Consumer Services for the relief of Laura Laporte for injuries
68 and damages sustained due to the negligence of an employee of the
69 department.

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

74 Section 4. This award is intended to provide the sole
75 compensation for all present and future claims arising out of the
76 factual situation described in this act which resulted in injury
77 to Laura Laporte. The total amount paid for attorney's fees,
78 lobbying fees, costs, and other similar expenses relating to this
79 claim may not exceed 25 percent of the amount awarded under this
80 act.

81 Section 5. This act shall take effect upon becoming a law.