

Committee Substitute for Senate Bill No. 34

An act for the relief of Laura Laporte; providing an appropriation to compensate Laura Laporte for injuries she sustained as a result of the negligence of an employee of the Department of Agriculture and Consumer Services; providing for a limitation on payment of fees and costs; directing the Chief Financial Officer to draw a warrant and make payment; providing an effective date.

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

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

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

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

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

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

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

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

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

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

WHEREAS, on January 10, 2002, a jury returned a verdict awarding \$5,582,776.82 in damages to Laura Laporte, and the Department of Agricul-

ture and Consumer Services moved for a remittitur, claiming that the damage award was excessive, and

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

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

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

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

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

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

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

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

Approved by the Governor April 29, 2008.

Filed in Office Secretary of State April 29, 2008.