

CS/CS/HB 445

2012

1 A bill to be entitled
2 An act for the relief of Eric Brody by the Broward
3 County Sheriff's Office; providing for an
4 appropriation to compensate Eric Brody for injuries
5 sustained as a result of the negligence of the Broward
6 County Sheriff's Office; providing a limitation on the
7 payment of fees and costs related to the claim against
8 the Broward County Sheriff's Office; providing
9 legislative intent regarding lien interests held by
10 the state; providing an effective date.

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12 WHEREAS, on March 3, 1998, Eric Brody was driving home in
13 his 1982 AMC Concord eastbound on Oakland Park Boulevard in
14 Sunrise, Florida, and

15 WHEREAS, that same evening, Broward County Sheriff's Deputy
16 Christopher Thieman was driving his Broward County Sheriff's
17 Office cruiser on his way to work, and

18 WHEREAS, Deputy Thieman struck Eric Brody's car, leaving
19 Eric profoundly injured, and

20 WHEREAS, the case was tried to a jury and the court
21 rendered a final judgment of \$30,879,670.30, and

22 WHEREAS, the parties have reached a settlement in the
23 amount of \$10,750,000, with other terms of value, and \$200,000
24 has been paid pursuant to the limits of liability set forth in
25 s. 768.28, Florida Statutes, NOW, THEREFORE,

26
27 Be It Enacted by the Legislature of the State of Florida:
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29 Section 1. The facts stated in the preamble to this act
30 are found and declared to be true.

31 Section 2. The insurer of the Sheriff of Broward County
32 has agreed to pay, and is authorized and directed to pay,
33 \$10,750,000 on behalf of the Broward County Sheriff's Office to
34 the Guardianship of Eric Brody to be placed in a special needs
35 trust created for the exclusive use and benefit of Eric Brody as
36 compensation by the Broward County Sheriff's Office and its
37 insurer, Fairmont Specialty Insurance Company, f/k/a Ranger
38 Insurance Company, for injuries brought about by the facts set
39 forth in the preamble of this act.

40 Section 3. The amount awarded under this act is intended
41 to provide the sole compensation for all present and future
42 claims, including all attorney fees, lobbying fees, and related
43 costs, arising out of the factual situation described in this
44 act which resulted in the injuries to Eric Brody, and hereby
45 releases the Broward County Sheriff's Office and Fairmont
46 Specialty Insurance Company, f/k/a Ranger Insurance Company, the
47 Broward County Board of County Commissioners, Broward County,
48 and Christopher Thieman from any further liability. The total
49 amount of attorney fees, lobbying fees, and related costs may
50 not exceed 15 percent of the first \$1,000,000 awarded under this
51 act, 10 percent of the second \$1,000,000 awarded under this act,
52 and 5 percent of the next \$3,000,000 awarded under this act, for
53 a total of \$400,000.

54 Section 4. It is the intent of the Legislature that the
55 lien interests relating to the claim of the Guardianship of Eric
56 Brody for the treatment and care of Eric Brody, including

CS/CS/HB 445

2012

57 | Medicaid liens in excess of the sovereign immunity cap, are
58 | hereby waived or extinguished.

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