



138272

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/21/2009	.	
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The Committee on Criminal Justice (Deutch) recommended the following:

Senate Amendment (with title amendment)

Delete lines 141 - 155
and insert:

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

Section 2. The Sheriff of Broward County is authorized and directed to appropriate from funds of the Broward County Sheriff's Office not otherwise appropriated and to draw a warrant payable to Eric Brody in the sum of \$30,760,372.30 as compensation for the claimant's injuries and damages sustained.



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12 Section 3. Within 30 days after the enactment of this act,
13 and before paying the sum specified in section 2, the Sheriff of
14 Broward County may execute an assignment to the legal guardians
15 of Eric Brody of all claims the Broward County Sheriff's Office
16 has against its insurer arising out of its handling of Eric
17 Brody's claim against the Broward County Sheriff's Office,
18 including its claim for policy benefits, bad faith, breach of
19 fiduciary duty, breach of contract and any other similar claim
20 that may result in recovery from the insurer of all sums that
21 remain unpaid in accordance with the final judgment and cost
22 judgment after the previous payment of the statutory limit of
23 \$200,000 under s. 768.28, Florida Statutes, made by or on behalf
24 of the Broward County Sheriff's Office. If the Sheriff of
25 Broward County elects to make an assignment of all claims
26 against its insurer to the legal guardians of Eric Brody, upon
27 making the assignment the Broward County Sheriff's Office shall
28 have a complete and absolute covenant on the part of Eric Brody
29 and his legal guardians never to enforce this act, any award
30 pursuant to this act, or the Brody's final judgment and cost
31 judgment directly against the Broward County Sheriff's Office
32 regardless of whether Eric Brody and his legal guardians accept
33 or refuse the assignment and regardless of whether they file
34 suit pursuant to the assignment. At the conclusion of any claims
35 brought pursuant to that assignment, the legal guardians of Eric
36 Brody shall execute a complete satisfaction and release of their
37 final judgment and cost judgment against the Broward County
38 Sheriff's Office. If the Sheriff of Broward County makes the
39 assignment permitted under this act, the protection given to the
40 Broward County Sheriff's Office pursuant to this act or



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41 otherwise shall not impair in any respect the ability or right
42 of the assignees to pursue and recover Eric Brody's final
43 judgment and cost judgment less \$200,000 paid by or on behalf of
44 the insurers of the Broward County Sheriff's Office. It is the
45 intent of the Legislature to permit the prosecution of a bad
46 faith claim and any other related claim against the insurer for
47 the full amount remaining unpaid at the time of the assignment.

48 Section 4. Any amount awarded under this act pursuant to
49 the waiver of sovereign immunity permitted under s. 768.28,
50 Florida Statutes, is intended to provide the sole compensation
51 for all claims against the Broward County Sheriff's Office
52 arising out of the facts described in the preamble to this act
53 which resulted in the injuries to Eric Brody. The total amount
54 of attorney's fees, lobbying fees, costs, and other similar
55 expenses relating to this claim is to be paid only to the
56 claimant's currently retained attorneys and lobbyists and may
57 not exceed 25 percent of the total amount awarded under sections
58 2 and 3. Any attorney's fees, costs, and related expenses
59 awarded by a court or earned pursuant to the prosecution of an
60 assigned claim are not limited by this section.

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

62
63 ===== T I T L E A M E N D M E N T =====

64 And the title is amended as follows:

65 Delete lines 6 - 7

66 and insert:

67 County Sheriff's Office; authorizing the Sheriff of
68 Broward County to execute an assignment to the legal
69 guardians of Eric Brody of all claims the Broward



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70 County Sheriff's Office has against its insurer
71 arising out of its handling of the claim against the
72 Broward County Sheriff's Office; providing that the
73 Broward County Sheriff's Office has a complete and
74 absolute covenant on the part of Eric Brody and his
75 legal guardians never to enforce the act, any award
76 pursuant to the act, or the Brody's final judgment and
77 cost judgment directly against the Broward County
78 Sheriff's Office under certain circumstances;
79 requiring the legal guardians to execute a
80 satisfaction and release under certain conditions;
81 providing legislative intent to permit the prosecution
82 of a bad faith claim; providing a limitation on the
83 payment of fees and costs; providing an exception to
84 that limitation on the payment of fees and costs
85 related to the prosecution of an assigned claim;
86 providing an effective