



452778

LEGISLATIVE ACTION

Senate

House

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Floor: 1/AD/2R

01/10/2012 03:20 PM

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Senator Benacquisto moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

Section 2. The insurer of the Sheriff of Broward County has  
agreed to, and is authorized and directed to pay \$10,750,000 on  
behalf of the Broward County Sheriff's Office to the  
Guardianship of Eric Brody as compensation by the Broward  
Sheriff's Office and its insurer, Fairmont Specialty Insurance  
Company, f/k/a Ranger Insurance Company, for injuries brought



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14 about by the facts set forth in the preamble of this act.

15 Section 3. This award is the sole compensation for all  
16 present and future claims, including all attorney fees, lobbying  
17 fees, and related costs, arising out of the factual situation  
18 described in this act which resulted in the injuries to Eric  
19 Brody, and hereby releases the Broward County Sheriff's Office  
20 and Fairmont Specialty Insurance Company, f/k/a Ranger Insurance  
21 Company, the Broward County Board of County Commissioners,  
22 Broward County, and Christopher Thieman from any further  
23 liability. The total amount of attorney fees, lobbying fees, and  
24 related costs may not exceed 25 percent of the total amount  
25 awarded under this act. The attorney fees, lobbying fees and  
26 related costs are to be paid to and for the benefit of the  
27 Guardianship's representatives registered pursuant to s. 11.045,  
28 Florida Statutes.

29 Section 4. It is the intent of the Legislature that all  
30 lien interests relating to the claim of the Guardianship of Eric  
31 Brody and the treatment and care of Eric Brody, including  
32 Medicaid liens and any charging lien in excess of the sovereign  
33 immunity cap, are hereby waived or extinguished.

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

36 ===== T I T L E A M E N D M E N T =====

37 And the title is amended as follows:

38 Delete everything before the enacting clause  
39 and insert:

40 A bill to be entitled  
41 An act for the relief of Eric Brody by the Broward  
42 County Sheriff's Office; providing for an



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43 appropriation to compensate Eric Brody for injuries  
44 sustained as a result of the negligence of the Broward  
45 County Sheriff's Office; providing a limitation on the  
46 payment of fees and costs related to the claim against  
47 the Broward County Sheriff's Office; providing  
48 legislative intent regarding lien interests held by  
49 the state; providing an effective date.  
50

51 WHEREAS, on March 3, 1998, Eric Brody was driving home in  
52 his 1982 AMC Concord eastbound on Oakland Park Boulevard in  
53 Sunrise, Florida, and

54 WHEREAS, that same evening, Broward County Sheriff's Deputy  
55 Christopher Thieman was driving his Broward County Sheriff's  
56 Office cruiser on his way to work, and

57 WHEREAS, Deputy Thieman struck Eric Brody's car, leaving  
58 Eric profoundly injured, and

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

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