

By Senator Diaz de la Portilla

40-00033-13

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1 A bill to be entitled

2 An act for the relief of Thomas and Karen Brandi by
3 the city of Haines City; providing for an
4 appropriation to compensate them for injuries
5 sustained as a result of the negligence of the city of
6 Haines City; providing a limitation on the payment of
7 fees and costs; providing an effective date.
8

9 WHEREAS, Thomas Brandi was involved in a two-vehicle
10 accident that occurred on March 26, 2005, on U.S. Highway 27 in
11 Haines City, Florida, and

12 WHEREAS, Thomas Brandi was traveling alone and turning onto
13 U.S. Highway 27 from Southern Dunes Boulevard on a green arrow
14 when his vehicle was broadsided on the driver's side by a Haines
15 City police car operated by Officer Pamela Graham, and

16 WHEREAS, Officer Graham entered the intersection despite a
17 red light and struck the driver's side door of Mr. Brandi's
18 vehicle at a speed in excess of 45 miles per hour, and

19 WHEREAS, Officer Graham failed to operate her vehicle in a
20 reasonably safe manner and conducted herself in direct violation
21 of procedures of the Haines City Police Department, and

22 WHEREAS, although she claimed that she was responding to a
23 distress call, there was no evidence to support this statement
24 and the internal investigation conducted by the Haines City
25 Police Department concluded that she was neither called nor
26 dispatched to the location where she was headed, and

27 WHEREAS, the internal investigation conducted by the Haines
28 City Police Department found her to be at fault in the accident,
29 and

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30 WHEREAS, as a result of the crash, Thomas Brandi sustained
31 life-threatening injuries, including an aortic arch tear with
32 contained hematoma and suggestion of active bleeding, a
33 fractured rib, a right fibula fracture, a fractured sternum, a
34 left acetabulum fracture, multiple right inferior pubic ramus
35 fractures, and severe traumatic brain injury resulting in
36 cognitive disorder, complex personality change, depressive
37 disorder, pain disorder, post-traumatic stress disorder, and
38 panic disorder, and

39 WHEREAS, Thomas Brandi's medical expenses at the time of
40 trial exceeded \$156,000, and

41 WHEREAS, after a trial, a jury entered a verdict assessing
42 the city of Haines City 60 percent liability for the injuries
43 sustained by Mr. Brandi in the accident, and assessing Thomas
44 Brandi 40 percent liability for the accident, and

45 WHEREAS, future medical expenses and lost earning ability
46 in the future totaled \$903,000, and the verdict included an
47 award for past medical expenses and lost wages in the amount of
48 \$279,330, and

49 WHEREAS, Thomas Brandi was awarded \$450,000 in damages for
50 past and future pain and suffering and Karen Brandi was awarded
51 \$175,000 in damages for past and future loss of consortium, and

52 WHEREAS, after reduction for comparative negligence, the
53 net award to Thomas and Karen Brandi was \$1,084,396, and

54 WHEREAS, a stipulated cost judgment in the amount of
55 \$94,049 was entered by the trial court against the city of
56 Haines City, and

57 WHEREAS, Thomas Brandi's medical expenses as of August 1,
58 2011, are \$167,330, and as a result of those expenses Aetna

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59 Health, Inc., has a lien on any recovery in this matter in the
60 amount of \$78,109, and

61 WHEREAS, the city of Haines City paid \$200,000 to Thomas
62 and Karen Brandi in satisfaction of sovereign immunity limits,
63 and

64 WHEREAS, Thomas Brandi received a payment of \$100,000 from
65 his uninsured motorist insurance coverage, NOW, THEREFORE,

66

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

68

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

71 Section 2. The city of Haines City is authorized and
72 directed to appropriate from funds of the city not otherwise
73 appropriated and to draw a warrant in the amount of \$825,094,
74 payable to Thomas and Karen Brandi, as compensation for injuries
75 and damages sustained.

76 Section 3. The amount paid pursuant to s. 768.28, Florida
77 Statutes, and the amount awarded under this act are intended to
78 provide the sole compensation for all present and future claims
79 arising out of the factual situation described in this act which
80 resulted in injuries to Thomas and Karen Brandi. The total
81 amount paid for attorney fees, lobbying fees, costs, and other
82 similar expenses relating to this claim may not exceed 25
83 percent of the total amount awarded under this act.

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