

By Senator Diaz de la Portilla

40-00123-14

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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 sum 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.