

By Senator Diaz de la Portilla

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1 A bill to be entitled

2 An act for the relief of Thomas and Karen Brandi by
3 Haines City; providing an appropriation to compensate
4 them for injuries and damages sustained as a result of
5 the negligence of an employee of Haines City;
6 providing that the appropriation settles all present
7 and future claims relating to the injuries and damages
8 sustained by Thomas and Karen Brandi; providing a
9 limitation on the payment of fees and costs; providing
10 an effective date.

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

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

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

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

26 WHEREAS, although Officer Graham claimed that she was
27 responding to a distress call, there was no evidence to support
28 this claim, and the internal investigation conducted by the
29 Haines City Police Department concluded that she was neither

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30 called nor dispatched to the location where she was headed, and

31 WHEREAS, the internal investigation also found Officer
32 Graham to be at fault in the accident, and

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

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

44 WHEREAS, after a trial, a jury entered a verdict assessing
45 Haines City 60 percent liability for the injuries sustained by
46 Mr. Brandi in the accident and assessing Thomas Brandi 40
47 percent liability for the accident, and

48 WHEREAS, future medical expenses and lost earning ability
49 in the future totaled \$903,000, and the verdict included an
50 award for past medical expenses and lost wages in the amount of
51 \$279,330, and

52 WHEREAS, Thomas Brandi was awarded \$450,000 in damages for
53 past and future pain and suffering, and his wife, Karen Brandi,
54 was awarded \$175,000 in damages for past and future loss of
55 consortium, and

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

58 WHEREAS, a stipulated cost judgment in the amount of

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59 \$94,049 was entered by the trial court against Haines City, and

60 WHEREAS, Thomas Brandi's medical expenses as of August 1,
61 2011, are \$167,330, and, as a result of those expenses, Aetna
62 Health, Inc., has a lien on any recovery in this matter in the
63 amount of \$78,109, and

64 WHEREAS, the city of Haines City paid \$200,000 to Thomas
65 and Karen Brandi in satisfaction of sovereign immunity limits
66 under s. 768.28, Florida Statutes, and

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

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

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

74 Section 2. Haines City is authorized and directed to
75 appropriate from funds of the city not otherwise appropriated
76 and to draw a warrant in the sum of \$825,094, payable to Thomas
77 Brandi and his wife, Karen Brandi, as compensation for injuries
78 and damages sustained as a result of the negligence of an
79 employee of Haines City.

80 Section 3. The amount paid pursuant to s. 768.28, Florida
81 Statutes, and the amount awarded under this act are intended to
82 provide the sole compensation for all present and future claims
83 arising out of the factual situation described in this act which
84 resulted in the injuries and damages to Thomas and Karen Brandi.
85 The total amount paid for attorney fees, lobbying fees, costs,
86 and other similar expenses relating to this claim may not exceed
87 25 percent of the total amount awarded under this act.

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