

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.

11  
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

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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  
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  
 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,

69

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

71

72 Section 1. The facts stated in the preamble to this act  
 73 are 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

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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.

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