

By Senator Steube

23-00037-17

201726__

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 a limitation on the payment of fees and
7 costs; providing an effective date.

8
9 WHEREAS, on March 26, 2005, Thomas Brandi was turning onto
10 U.S. Highway 27 from Southern Dunes Boulevard in Haines City on
11 a green arrow when his vehicle was broadsided on the driver's
12 side by a car operated by Officer Pamela Graham, an employee of
13 the Haines City Police Department, and

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

17 WHEREAS, although Officer Graham claimed that she was
18 responding to a distress call, there was no evidence to support
19 her claim, and the internal investigation conducted by the
20 Haines City Police Department concluded that she was not called
21 or dispatched to the location where she was headed, and

22 WHEREAS, the internal investigation found that Officer
23 Graham was at fault in the accident, having failed to operate
24 her vehicle in a reasonably safe manner and having conducted
25 herself in direct violation of procedures of the Haines City
26 Police Department, and

27 WHEREAS, as a result of the crash, Thomas Brandi sustained
28 life-threatening injuries, including an aortic arch tear with
29 contained hematoma and suggestion of active bleeding, a rib
30 fracture, a right fibula fracture, a sternal fracture, a left
31 acetabular fracture, multiple right inferior pubic ramus
32 fractures, and severe traumatic brain injury resulting in

23-00037-17

201726__

33 cognitive disorder, complex personality change, depressive
34 disorder, pain disorder, post-traumatic stress disorder, and
35 panic disorder, and

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

38 WHEREAS, at a trial, a jury entered a verdict assessing 60
39 percent liability to Haines City and 40 percent liability to
40 Thomas Brandi for the injuries sustained by Thomas Brandi in the
41 accident, and

42 WHEREAS, Thomas Brandi was awarded \$903,000 in damages for
43 future medical expenses and future lost earning ability,
44 \$279,330 for past medical expenses and lost wages, and \$450,000
45 for past and future pain and suffering, and

46 WHEREAS, Karen Brandi, Thomas Brandi's wife, was awarded
47 \$175,000 in damages for past and future loss of consortium, and

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

50 WHEREAS, a stipulated cost judgment in the amount of
51 \$94,049 was entered by the trial court against Haines City, and

52 WHEREAS, Thomas Brandi's medical expenses as of August 1,
53 2011, were \$167,330, and, as a result of these expenses, Aetna,
54 Inc., has a lien on any recovery in this matter in the amount of
55 \$78,109, and

56 WHEREAS, Haines City has paid \$200,000 to Thomas and Karen
57 Brandi in satisfaction of the sovereign immunity limits under s.
58 768.28, Florida Statutes, applicable at the time the claim
59 arose, and

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

23-00037-17

201726__

62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82

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

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

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

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

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