

PCS for HB 1029

ORIGINAL

2012

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 on a green arrow
13 when his vehicle was broadsided on the driver's side by a Haines
14 City police car operated by Officer Pamela Graham, and

15 WHEREAS, Officer Graham entered the intersection despite a
16 red light and struck the driver's side door of Mr. Brandi's
17 vehicle at a speed in excess of 30 miles per hour, and

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

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

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

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

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

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

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

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

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

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

56 WHEREAS, Thomas Brandi's medical expenses as of August 1,

57 | 2011, are \$167,330, and as a result of those expenses Aetna
 58 | Health, Inc., has a lien on any recovery in this matter in the
 59 | amount of \$78,109, and

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

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

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

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

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

75 | Section 3. The amount paid pursuant to s. 768.28, Florida
 76 | Statutes, and the amount awarded under this act are intended to
 77 | provide the sole compensation for all present and future claims
 78 | arising out of the factual situation described in this act which
 79 | resulted in injuries to Thomas and Karen Brandi. The total
 80 | amount paid for attorney's fees, lobbying fees, costs, and other
 81 | similar expenses relating to this claim may not exceed 15
 82 | percent of the total amount awarded under this act.

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