

1 A bill to be entitled
 2 An act for the relief of Eric Brody by the Broward
 3 County Sheriff's Office; providing for an
 4 appropriation to compensate Eric Brody for injuries
 5 sustained as a result of the negligence of the Broward
 6 County Sheriff's Office; providing a limitation on the
 7 payment of fees and costs related to the claim against
 8 the Broward County Sheriff's Office; providing
 9 legislative intent regarding lien interests held by
 10 the state; providing an effective date.

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 12 WHEREAS, on March 3, 1998, Eric Brody was driving home in
 13 his 1982 AMC Concord eastbound on Oakland Park Boulevard in
 14 Sunrise, Florida, and

15 WHEREAS, that same evening, Broward County Sheriff's Deputy
 16 Christopher Thieman was driving his Broward County Sheriff's
 17 Office cruiser on his way to work, and

18 WHEREAS, Deputy Thieman struck Eric Brody's car, leaving
 19 Eric profoundly injured, and

20 WHEREAS, the case was tried to a jury and the court
 21 rendered a final judgment of \$30,879,670.30, and

22 WHEREAS, the parties have reached a settlement in the
 23 amount of \$10,750,000, with other terms of value, and \$200,000
 24 has been paid pursuant to the limits of liability set forth in
 25 s. 768.28, Florida Statutes, NOW, THEREFORE,

26
 27 Be It Enacted by the Legislature of the State of Florida:
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29 Section 1. The facts stated in the preamble to this act
 30 are found and declared to be true.

31 Section 2. The insurer of the Sheriff of Broward County
 32 has agreed to, and is authorized and directed to pay \$10,750,000
 33 on behalf of the Broward County Sheriff's Office to the
 34 Guardianship of Eric Brody to be placed in a special needs trust
 35 created for the exclusive use and benefit of Eric Brody as
 36 compensation by the Broward Sheriff's Office and its insurer,
 37 Fairmont Specialty Insurance Company, f/k/a Ranger Insurance
 38 Company, for injuries brought about by the facts set forth in
 39 the preamble of this act.

40 Section 3. This award is the sole compensation for all
 41 present and future claims, including all attorney fees, lobbying
 42 fees, and related costs, arising out of the factual situation
 43 described in this act which resulted in the injuries to Eric
 44 Brody, and hereby releases the Broward County Sheriff's Office
 45 and Fairmont Specialty Insurance Company, f/k/a Ranger Insurance
 46 Company, the Broward County Board of County Commissioners,
 47 Broward County, and Christopher Thieman from any further
 48 liability. The total amount of attorney fees, lobbying fees, and
 49 related costs may not exceed 15 percent of the first \$1,000,000
 50 awarded under this act, 10 percent of the second \$1,000,000
 51 awarded under this act, and 5 percent of the next \$3,000,000
 52 awarded under this act, for a total of \$400,000.

53 Section 4. It is the intent of the Legislature that all
 54 lien interests relating to the claim of the Guardianship of Eric
 55 Brody and the treatment and care of Eric Brody, including
 56 Medicaid liens and any charging lien in excess of the sovereign

PCS for HB 445

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57 | immunity cap, are hereby waived or extinguished.

58 | Section 5. This act shall take effect upon becoming a law.