

By Senator Diaz de la Portilla

40-00156-16

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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, on March 26, 2005, Thomas Brandi was traveling
13 alone when he was involved in a two-vehicle accident on U.S.
14 Highway 27 in Haines City, and

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

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

23 WHEREAS, although Officer Graham claimed that she was
24 responding to a distress call, there was no evidence to support
25 her claim, and the internal investigation conducted by the
26 Haines City Police Department concluded that she was not called
27 or dispatched to the location where she was headed, and

28 WHEREAS, the internal investigation found that Officer
29 Graham failed to operate her vehicle in a reasonably safe manner

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30 and conducted herself in direct violation of procedures of the
31 Haines City Police Department, and

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

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

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

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

49 WHEREAS, future medical expenses and lost earning ability
50 in the future totaled \$903,000, and the verdict included an
51 award for past medical expenses and lost wages in the amount of
52 \$279,330, and

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

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

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59 WHEREAS, a stipulated cost judgment in the amount of
60 \$94,049 was entered by the trial court against Haines City, and

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

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

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

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

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

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

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

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88 25 percent of the total amount awarded under this act.

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