



THE FLORIDA SENATE
SPECIAL MASTER ON CLAIM BILLS

Location
408 The Capitol

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November 16, 2000

SPECIAL MASTER'S FINAL REPORT	DATE	COMM	ACTION
President of the Senate Suite 409, The Capitol Tallahassee, Florida 32399-1100	11/16/00	SM CJ FR	Unfavorable

Re: SB 82 – Senator Ron Klein
Relief of Eric Brody

THIS IS AN EQUITABLE CLAIM FOR \$12,400,000 AGAINST THE BROWARD COUNTY SHERIFF'S OFFICE TO COMPENSATE THE CLAIMANT FOR PERMANENT AND CATASTROPHIC INJURIES SUSTAINED BY THE CLAIMANT AS A RESULT OF A COLLISION BETWEEN THE CLAIMANT'S VEHICLE AND A VEHICLE DRIVEN BY A DEPUTY SHERIFF OF BROWARD COUNTY.

FINDINGS OF FACT:

For the reasons discussed below, no Special Master hearing was conducted on this claim. Consequently, the following facts are taken from a proposed amendment to the Senate Bill and are provided solely as background information.

On March 3, 1998, 18-year-old Eric Brody was driving his vehicle on SR 816 (Oakland Park Boulevard) at Northwest 117 Lane in Sunrise, Florida. On that date, a marked vehicle of the Broward County Sheriff's Office, being driven by a Deputy Sheriff in the course and scope of his employment, collided with Mr. Brody's vehicle. The marked vehicle of the Broward County Sheriff's Office was traveling at a rate of speed in excess of the authorized speed limit and was being driven in a negligent manner. As a result of the collision, Mr. Brody suffered a skull fracture, underwent emergency brain surgery, and was in a coma for approximately 6 months. He has suffered serious and permanent brain damage that has limited his ability to independently function in all aspects of his life. To date, the medical expenses have exceeded \$1 million. Mr. Brody requires medical care and supervision for

the remainder of his life. The estimated future medical expenses for Mr. Brody are \$9.3 million.

At the time of the collision, Mr. Brody was a senior at Piper High School in Sunrise, Florida. He was scheduled to graduate within a few months of the collision. He was going to attend college and had been accepted at the University of Central Florida and Florida State University. He had obtained an FCC license in broadcasting, and was an active member of his high school's radio station as a news and sports commentator. He planned on continuing his studies in communications. His estimated lost income and wages due to the collision is \$2.2 million.

CONCLUSIONS OF LAW:

Not applicable.

ATTORNEYS FEES:

Not applicable.

RECOMMENDATIONS:

The Special Master received letters from the sponsor of the bill and from the claimant's representative giving notice of the intent to withdraw the bill; therefore, a hearing was not scheduled. Because each claimant carries the burden of proof and the burden of going forward at a Special Master's hearing with a preponderance of evidence to support his or her claim, because Eric Brody has been unable to do so in light of the notice of intent to withdraw the bill, and without expressing any opinion or conclusions on the merits of Eric Brody's claim as the merits may be made to appear at a Special Master's hearing, I recommend that Senate Bill 82 (2001) be reported UNFAVORABLY.

Respectfully submitted,

Reynold Meyer
Senate Special Master

cc: Senator Ron Klein
Faye Blanton, Secretary of the Senate
House Claims Committee