

By Senator Campbell

33-43A-00

1 A bill to be entitled
2 An act relating to the City of Miami; providing
3 for the relief of Oscar Ortiz for injuries and
4 damages sustained as a result of the negligence
5 of the City of Miami; providing an effective
6 date.
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8 WHEREAS, on the night of December 6, 1996, 22-year-old
9 Oscar Ortiz, and his friend, Marcos Valdez, were driving home
10 from a basketball game, and
11 WHEREAS, at the intersection of N.E. First Avenue and
12 14th Street, a police car driven by Miami Police Officer
13 Orlando Borges entered the intersection in violation of a red
14 light and at a speed in excess of the posted speed limit, and
15 WHEREAS, it is uncontested that Mr. Valdez was at all
16 times operating his vehicle at a speed equal to or less than
17 the posted speed limit and that his driving was in no way
18 erratic or inappropriate, and
19 WHEREAS, shortly after the crash, the City of Miami
20 Police Department convened a crash review board, which
21 conducted an internal investigation and unanimously found that
22 Officer Borges was careless and negligent and that his actions
23 were the cause of the crash, and
24 WHEREAS, as a consequence of this crash, Oscar Ortiz
25 was rendered a permanent quadraplegic and has no sensation or
26 motion in any of his extremities; has no control over his
27 bowel or bladder; suffers from pressure ulcers, muscle
28 contracture and spasm, and pain; and is unable to care for
29 himself or to function in any meaningful way, and
30 WHEREAS, the uncontested evidence is that Mr. Ortiz
31 will require 24-hour-a-day custodial and nursing care, as well

1 as extensive equipment, medication, and other implements
2 required to sustain his life, and

3 WHEREAS, litigation relating to this claim was
4 commenced on August 4, 1997, and resulted in a judgment and
5 verdict against the City of Miami in the amount of
6 \$15,718,000, allocated by the jury as \$718,000 for past lost
7 wages and past hospital and medical care, \$12 million for
8 future medical custodial and hospital care, \$1 million in past
9 intangible damages, and \$2 million in future intangible
10 damages, and

11 WHEREAS, the court reduced the total amount of the
12 award by 13 percent because the jury had found Mr. Ortiz to be
13 comparatively negligent as a consequence of his failure to
14 wear a seatbelt, and a final judgment in the amount of
15 \$13,674,660 was entered on June 15, 1999, and

16 WHEREAS, after the City of Miami has paid Mr. Ortiz
17 \$100,000, the maximum amount allowable under section 768.28,
18 Florida Statutes, the remainder owed under the judgment will
19 be \$13,574,660, NOW, THEREFORE,

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

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

25 Section 2. The City of Miami is authorized and
26 directed to compensate Oscar Ortiz in the amount of
27 \$13,674,660 for injuries and damages sustained as a result of
28 the negligence of a City of Miami police officer and to pay
29 such sum out of the funds of the City of Miami not otherwise
30 appropriated.

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1 Section 3. This act shall take effect upon becoming a
2 law.
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