

By Senator Diaz de la Portilla

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A bill to be entitled

An act relating to the City of Miami; providing for the relief of Oscar Ortiz for injuries and damages sustained as a result of the negligence of the City of Miami; providing an effective date.

WHEREAS, on the night of December 6, 1996, 22-year-old Oscar Ortiz and his friend, Marcos Valdez, were driving home from a basketball game, and

WHEREAS, at the intersection of N.E. First Avenue and 14th Street, a police car driven by Miami Police Officer Orlando Borges entered the intersection in violation of a red light and at a speed in excess of the posted speed limit, and

WHEREAS, it is uncontested that Mr. Valdez was at all times operating his vehicle at a speed equal to or less than the posted speed limit and that his driving was in no way erratic or inappropriate, and

WHEREAS, shortly after the crash, the City of Miami Police Department convened a crash-review board, which conducted an internal investigation and unanimously found that Officer Borges was careless and negligent and that his actions were the cause of the crash, and

WHEREAS, as a consequence of this crash, Oscar Ortiz was rendered a permanent quadraplegic and has no sensation or motion in any of his extremities; has no control over his bowel or bladder; suffers from pressure ulcers, muscle contracture and spasm, and pain; and is unable to care for himself or to function in any meaningful way, and

WHEREAS, the uncontested evidence is that Mr. Ortiz 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, a jury trial was held, the jury  
5 rendered a verdict in favor of the claimant and against the  
6 City of Miami, and a judgment was entered on June 11, 1999, in  
7 the amount of \$13,674,660, and

8 WHEREAS, after the City of Miami appealed the verdict  
9 and judgment, the parties began settlement negotiations, and

10 WHEREAS, a settlement agreement was signed on April 5,  
11 2000, in which the City of Miami and the claimant have agreed  
12 to a compromise settlement for the total amount of \$5 million,  
13 to be paid over a period of 3 years pursuant to the terms of  
14 the Settlement Agreement and Stipulation for Consent Judgment,  
15 and

16 WHEREAS, the City of Miami has voluntarily dismissed  
17 its appeal and has paid the claimant the sum of \$100,000, in  
18 accordance with the limits set forth in section 768.28,  
19 Florida Statutes, and

20 WHEREAS, the City of Miami has agreed to assist in the  
21 passage of a claim bill in the amount of \$4.9 million, to be  
22 paid over a period of 3 years pursuant to the payment schedule  
23 found in the Settlement Agreement and Stipulation for Consent  
24 Judgment, NOW, THEREFORE,

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

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

30 Section 2. The City of Miami is authorized and  
31 directed to appropriate from funds of the city not otherwise

1 appropriated and to draw warrants payable to Oscar Ortiz for  
2 the total amount of \$4.9 million, to be paid pursuant to the  
3 payment schedule found in the Settlement Agreement and  
4 Stipulation for Consent Judgment signed on April 5, 2000, as  
5 compensation for injuries and damages he sustained due to an  
6 automobile accident on December 6, 1996.

7           Section 3. This act shall take effect upon becoming a  
8 law.

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