

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.

7
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, 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,

25

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

27

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 as follows: upon
2 passage of this bill, the City of Miami shall pay Oscar Ortiz
3 \$2,566,667. One year from the first payment, the City of Miami
4 shall pay Oscar Ortiz \$1,166,667; and one year from the second
5 payment, the City of Miami shall pay Oscar Ortiz \$1,166,666,
6 for a total of \$4,900,000. After payment of attorney's fees
7 and costs, medical bills and other immediate needs, the
8 remaining proceeds shall be placed into a special needs trust
9 created for the exclusive use and benefit of Oscar Ortiz.
10 After the reimbursement of any outstanding Medicaid liens, any
11 funds remaining in the special needs trust at the time of
12 Oscar Ortiz' death will revert to the City of Miami.

13 Section 3. This act shall take effect upon becoming a
14 law.

15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31