

By Representative Arza

1 A bill to be entitled
2 An act relating to the City of Miami; providing
3 for the relief of Oscar Ortiz; providing for an
4 appropriation to compensate Oscar Ortiz for
5 injuries and damages sustained as a result of
6 the negligence of the City of Miami; providing
7 for reversion of funds; providing an effective
8 date.

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

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

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

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

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

1 WHEREAS, the uncontested evidence is that Mr. Ortiz
2 will require 24-hour-a-day custodial and nursing care, as well
3 as extensive equipment, medication, and other implements
4 required to sustain his life, and

5 WHEREAS, litigation relating to this claim was
6 commenced on August 4, 1997, a jury trial was held, the jury
7 rendered a verdict in favor of the claimant and against the
8 City of Miami, and a judgment was entered on June 11, 1999, in
9 the amount of \$13,674,660, and

10 WHEREAS, after the City of Miami appealed the verdict
11 and judgment, the parties began settlement negotiations, and

12 WHEREAS, a settlement agreement was signed on April 5,
13 2000, in which the City of Miami and the claimant have agreed
14 to a compromise settlement for the total amount of \$5,000,000,
15 to be paid over a period of 3 years pursuant to the terms of
16 the Settlement Agreement and Stipulation for Consent Judgment,
17 and

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

22 WHEREAS, the City of Miami has agreed to assist in the
23 passage of a claim bill in the amount of \$4,900,000, to be
24 paid over a period of 3 years pursuant to the payment schedule
25 set forth in the Settlement Agreement and Stipulation for
26 Consent Judgment, NOW, THEREFORE,

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

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

1 Section 2. The City of Miami is authorized and
2 directed to appropriate from funds of the city not otherwise
3 appropriated and to draw warrants payable as follows: upon
4 passage of this bill, the City of Miami shall pay Oscar Ortiz
5 \$1,400,000. One year from the first payment, the City of
6 Miami shall pay Oscar Ortiz \$1,166,667; one year from the
7 second payment, the City of Miami shall pay Oscar Ortiz
8 \$1,166,667; and one year from the third payment, the City of
9 Miami shall pay Oscar Ortiz \$1,166,666, for a total of
10 \$4,900,000. After payment of attorney's fees and costs,
11 medical bills and other immediate needs, the remaining
12 proceeds shall be placed into a special needs trust created
13 for the exclusive use and benefit of Oscar Ortiz. After the
14 reimbursement of any outstanding Medicaid liens, any funds
15 remaining in the special needs trust at the time of Oscar
16 Ortiz' death will revert back to the City of Miami.

17 Section 3. This act shall take effect upon becoming a
18 law.

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