

HB 191

2009

1 A bill to be entitled
2 An act for the relief of Ronald Miller by the City of
3 Hollywood; providing for an appropriation to compensate
4 him for injuries sustained as a result of the negligence
5 of the City of Hollywood; providing a limitation on the
6 payment of fees and costs; providing an effective date.

7
8 WHEREAS, on July 30, 2002, Ronald Miller was driving his
9 pickup truck home from work, northbound on Federal Highway in
10 the left-turn lane, and

11 WHEREAS, at that time, a City of Hollywood employee, Robert
12 Mettler, who was driving a city utilities truck, cut across the
13 lanes of northbound traffic and crashed into Mr. Miller's
14 vehicle head-on, and

15 WHEREAS, Mr. Mettler should not have been allowed to drive
16 a city vehicle, given his extensive history of drunken driving
17 and traffic violations, and

18 WHEREAS, the impact of the crash caused Mr. Miller to
19 suffer two herniated disks in his neck, which require surgery
20 that he cannot afford, and he has had multiple surgeries to
21 correct torn ligaments in both knees, and

22 WHEREAS, after the knee surgeries, Mr. Miller had to be
23 rehospitalized several times due to complications, including
24 deep-venous thrombosis and pulmonary embolism, and

25 WHEREAS, according to his orthopedic surgeon, Steven
26 Wender, M.D., Mr. Miller will require knee replacements on both
27 legs over the next 40 years of his life every 7 to 13 years, at
28 a cost of approximately \$100,000 per surgery, and is likely to

29 | require additional medical care for his back, and

30 | WHEREAS, Mr. Miller's past medical expenses total
31 | approximately \$75,000, and

32 | WHEREAS, the City Attorney informed the Hollywood City
33 | Commission that it was likely to face a substantial adverse
34 | verdict in the case but did not attempt to reach a reasonable
35 | settlement given the city's exposure to liability and damages,
36 | and

37 | WHEREAS, the jury found in favor of Ronald Miller and a
38 | Final Judgment was entered in the amount of \$1,130,731.89, which
39 | included approximately \$75,000 for past medical bills and
40 | \$415,000 for future medical expenses, \$200,000 for past pain and
41 | suffering, and \$500,000 for future pain and suffering, and

42 | WHEREAS, a Cost Judgment was entered in favor of Ronald
43 | Miller for \$17,257.82, and

44 | WHEREAS, the City of Hollywood filed a frivolous posttrial
45 | motion, which was summarily denied by the trial judge, an
46 | appeal, for which the Fourth District Court of Appeals affirmed
47 | the judgment per curiam, and a motion for rehearing of the
48 | appeal, which was summarily denied by the appellate court, NOW,
49 | THEREFORE,

50 |
51 | Be It Enacted by the Legislature of the State of Florida:

52 |
53 | Section 1. The facts stated in the preamble to this act
54 | are found and declared to be true.

55 | Section 2. The City of Hollywood is authorized and
56 | directed to appropriate from funds of the city not otherwise

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57 appropriated and to draw a warrant payable to Ronald Miller for
58 the total amount of \$1,147,989.71 as compensation for injuries
59 and damages sustained as a result of the negligence of the City
60 of Hollywood.

61 Section 3. The amount awarded under this act is intended
62 to provide the sole compensation for all present and future
63 claims arising out of the factual situation described in this
64 act which resulted in injuries to Ronald Miller. The total
65 amount paid for attorney's fees, lobbying fees, costs, and other
66 similar expenses relating to this claim may not exceed 25
67 percent of the amount awarded under this act.

68 Section 4. This act shall take effect upon becoming a law.