

By Senator Rich

34-00150B-09

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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  
4           compensate him for injuries sustained as a result of  
5           the negligence of the City of Hollywood; providing a  
6           limitation on the payment of fees and costs; providing  
7           an effective date.

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

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

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

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

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

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

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30 require additional medical care for his back, and

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

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

38 WHEREAS, the jury awarded and Final Judgment was entered in  
39 favor of Mr. Miller for \$1,130,731.89, including approximately  
40 \$75,000 for past medical bills and \$415,000 for future medical  
41 expenses, \$200,000 for past pain and suffering, and \$500,000 for  
42 future pain and suffering, and

43 WHEREAS, a Cost Judgment was entered in favor of Mr. Miller  
44 for \$17,257.82, and

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

51  
52 Be It Enacted by the Legislature of the State of Florida:

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

56 Section 2. The City of Hollywood is authorized and directed  
57 to appropriate from funds of the city not otherwise appropriated  
58 and to draw a warrant, payable to Ronald Miller, for the total

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59 amount of \$1,147,989.71 as compensation for injuries and damages  
60 sustained as a result of the negligence of the City of  
61 Hollywood.

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

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