

By Senator Gelber

35-00134A-10

201044

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 and he has had multiple
21 surgeries to correct torn ligaments in both knees, and

22 WHEREAS, after the knee surgeries, Mr. Miller had to be
23 rehospitalized due to complications, including deep-venous
24 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 neck, and

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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 Mr. Miller
43 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, and

49 WHEREAS, the City of Hollywood has paid \$100,000 to Ronald
50 Miller under the statutory limits of liability set forth in s.
51 768.28, Florida Statutes, leaving the sum of \$1,047,989.71
52 unpaid, NOW, THEREFORE,

53
54 Be It Enacted by the Legislature of the State of Florida:

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

58 Section 2. The City of Hollywood is authorized and directed

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59 to appropriate from funds of the city not otherwise appropriated
60 and to draw a warrant, payable to Ronald Miller, for the total
61 amount of \$1,047,989.71 as compensation for injuries and damages
62 sustained as a result of the negligence of the City of
63 Hollywood.

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

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