

HB 569

2011

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.

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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 have not 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 and he has had multiple
20 surgeries to correct torn ligaments in both knees, and

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

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

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

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

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

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

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

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

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

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

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57 Section 2. The City of Hollywood is authorized and
58 directed to appropriate from funds of the city not otherwise
59 appropriated and to draw a warrant, payable to Ronald Miller,
60 for the total amount of \$1,047,989.71 as compensation for
61 injuries and damages sustained as a result of the negligence of
62 the City of Hollywood.

63 Section 3. The amount paid by the City of Hollywood
64 pursuant to s. 768.28, Florida Statutes, and the amount awarded
65 under this act are intended to provide the sole compensation for
66 all present and future claims arising out of the factual
67 situation described in this act which resulted in injuries to
68 Ronald Miller. The total amount paid for attorney's fees,
69 lobbying fees, costs, and other similar expenses relating to
70 this claim may not exceed 25 percent of the amount awarded under
71 this act.

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