

House Bill No. 821

An act relating to the City of Miami; providing for the relief of Oscar Ortiz; providing for an appropriation to compensate Oscar Ortiz for injuries and damages sustained as a result of the negligence of the City of Miami; providing for reversion of funds; providing an effective date.

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

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

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

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

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

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

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

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

WHEREAS, a settlement agreement was signed on April 5, 2000, in which the City of Miami and the claimant have agreed to a compromise settlement for the total amount of \$5,000,000, to be paid over a period of 2 years pursuant to the terms of the Settlement Agreement and Stipulation for Consent Judgment, and

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

WHEREAS, the City of Miami has agreed to assist in the passage of a claim bill in the amount of \$4,900,000, to be paid over a period of 2 years pursuant to the payment schedule set forth in the Settlement Agreement and Stipulation for Consent Judgment, NOW, THEREFORE,

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

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

Section 2. The City of Miami is authorized and directed to appropriate from funds of the city not otherwise appropriated and to draw warrants payable as follows: upon passage of this bill, the City of Miami shall pay Oscar Ortiz \$2,566,667. One year from the first payment, the City of Miami shall pay Oscar Ortiz \$1,166,667; and one year from the second payment, the City of Miami shall pay Oscar Ortiz \$1,166,666, for a total of \$4,900,000. After payment of attorney's fees and costs, medical bills and other immediate needs, the remaining proceeds shall be placed into a special needs trust created for the exclusive use and benefit of Oscar Ortiz. After the reimbursement of any outstanding Medicaid liens, any funds remaining in the special needs trust at the time of Oscar Ortiz' death will revert back to the City of Miami.

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

Approved by the Governor June 14, 2001.

Filed in Office Secretary of State June 14, 2001.