

By Senator Silver

38-25A-01

1                                   A bill to be entitled  
2           An act relating to the City of Vero Beach;  
3           providing for the relief of Joseph Arvay;  
4           directing the City of Vero Beach to compensate  
5           Mr. Arvay for injuries caused by the negligence  
6           of a city police officer; providing an  
7           effective date.

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9           WHEREAS, on February 25, 1994, Mr. Joseph Arvay was  
10          involved in a nearly fatal traffic accident that occurred on  
11          State Road 60 West near Vero Beach City Hall, and

12           WHEREAS, the accident occurred because an unmarked  
13          police car driven by a police officer hit the side of Mr.  
14          Arvay's vehicle, causing him to lose control and crash into a  
15          tree, and

16           WHEREAS, after investigating the accident, the City of  
17          Vero Beach Police cited the officer for violating Mr. Arvay's  
18          right-of-way, and sent the officer to driving school, and

19           WHEREAS, a trial court later ruled that, at the time of  
20          the accident, the police officer was acting in the course and  
21          scope of his employment as a City of Vero Beach Police  
22          Officer, and, upon appeal, that holding was affirmed, and

23           WHEREAS, at the scene of the accident, Mr. Arvay was  
24          unconscious and bleeding from his ear, he was removed from his  
25          car with the jaws of life, and he was intubated and rushed  
26          "priority one" to the hospital, and

27           WHEREAS, Mr. Arvay received extremely serious injuries,  
28          including multiple orthopedic injuries, paralysis of his right  
29          side and of his vocal cord, and severe traumatic brain injury,  
30          all of which necessitate 24-hour-a-day care now and in the  
31          future, and

1           WHEREAS, because of the ongoing care that he needs, Mr.  
2 Arvay now lives in an assisted-living facility, where he  
3 receives 24-hour-a-day care, and

4           WHEREAS, a lawsuit was filed against the City of Vero  
5 Beach on behalf of Mr. Arvay, and

6           WHEREAS, the City of Vero Beach has admitted liability  
7 and causation for the accident, and

8           WHEREAS, the City of Vero Beach desires to provide for  
9 the past and future care of Mr. Arvay for the remainder of his  
10 life, as well as to compensate him and, upon his death, his  
11 children for the losses that they have sustained as a result  
12 of the accident, and

13           WHEREAS, the City of Vero Beach and Joseph Arvay have  
14 agreed to and have entered into a Consent Final Judgment, the  
15 terms of which are hereby adopted and incorporated by  
16 reference, in order to resolve all claims without the  
17 necessity of a jury trial, and

18           WHEREAS, all parties acknowledge that the Consent Final  
19 Judgment, which was signed by Circuit Court Judge Scott M.  
20 Kenney prior to trial in this matter, is in the best interests  
21 of all parties, and

22           WHEREAS, the City of Vero Beach has paid Joseph Arvay  
23 \$100,000, in accordance with the limits set forth in section  
24 768.28, Florida Statutes, and

25           WHEREAS, both parties ask that a claim bill be enacted  
26 in order to authorize the additional payments ordered by the  
27 Consent Final Judgment, NOW, THEREFORE,

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

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

3           Section 2. The City of Vero Beach is authorized and  
4 directed to compensate Joseph Arvay, out of funds of the city  
5 not otherwise appropriated, pursuant to the terms and  
6 conditions of the Consent Final Judgment signed on July 3,  
7 2000, by the Honorable Scott M. Kenney, Circuit Judge,  
8 Nineteenth Judicial Circuit.

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

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