

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           providing for an appropriation to compensate  
5           Joseph Arvay for injuries caused by the  
6           negligence of a City of Vero Beach police  
7           officer; providing an effective date.  
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9           WHEREAS, on February 25, 1994, 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 for the losses that he has  
11 sustained as a result of the accident, and

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

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

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

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

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

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

1           Section 2. The City of Vero Beach is authorized to  
2 compensate Joseph Arvay, out of funds of the city not  
3 otherwise appropriated, in an amount not to exceed  
4 \$4,349,094.48 which shall be paid pursuant to an amended  
5 Consent Final Judgment described below. Before the city is  
6 authorized to make any payments to Joseph Arvay, the Consent  
7 Final Judgment entered on July 3, 2000, in the case of Joseph  
8 Arvay v. City of Vero Beach, Case No. 94-0541 CA, 19th  
9 Judicial Circuit, in and for Indian River County, shall be  
10 amended to:

11           (1) Condition any payments of cash to Joseph Arvay on  
12 the prior appointment of a guardian of the property by the  
13 Circuit Court;

14           (2) Delete the requirement of paragraph 6 of the  
15 Consent Final Judgment granting an inheritance to Joseph  
16 Arvay's daughters of up to \$75,000; and

17           (3) Reduce the attorneys' fees payable under paragraph  
18 7 of the Consent Final Judgment by \$18,750 from \$908,568.90 to  
19 \$889,818.90.

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

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