

By the Committee on Finance and Taxation; and Senator Silver

314-1822-02

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

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

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

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

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

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

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

