

HB 1493

2004

1 A bill to be entitled

2 An act for the relief of Claude Tunc, Martine Tunc, and  
3 Sandrine Tunc by the City of Miami Beach; providing for  
4 the relief of Claude Tunc and Martine Tunc, individually  
5 and as personal representatives of the estate of Stephanie  
6 Tunc, deceased, and Sandrine Tunc, sister of Stephanie  
7 Tunc, deceased, for the death of Stephanie Tunc and  
8 injuries and damages sustained by Sandrine Tunc due to the  
9 negligence of the City of Miami Beach; providing for  
10 attorney's fees and costs; providing an effective date.

11  
12 WHEREAS, on February 22, 2003, 27-year-old Sandrine Tunc and  
13 her 26-year-old sister, Stephanie Tunc, were sunbathing on the soft  
14 sand of Miami Beach on a sunny afternoon, and

15 WHEREAS, Officer George Varon, a police officer employed by  
16 the City of Miami Beach Police Department, while in the course and  
17 scope of his duties as a City of Miami Beach police officer, drove  
18 a Miami Beach police vehicle on the soft sand of Miami Beach and  
19 negligently drove through an area of sunbathers near a lifeguard  
20 station, and in fact did drive over Stephanie Tunc and Sandrine  
21 Tunc with his police vehicle, proximately causing the death of  
22 Stephanie Tunc and serious permanent injuries to Sandrine Tunc, and

23 WHEREAS, Stephanie Tunc was crushed to death by the vehicle  
24 and died shortly after the incident, and Sandrine Tunc survived the  
25 accident and was transferred to the Ryder Trauma Center at the  
26 Jackson Memorial Hospital, and

27 WHEREAS, each parent of Stephanie Tunc, Claude Tunc and  
28 Martine Tunc, seek to recover damages for their mental pain and  
29 suffering as well as future loss of support of services based on  
30 the death of their daughter, and

HB 1493

2004

31 WHEREAS, Sandrine Tunc seeks damages for past pain and  
 32 suffering, disability, impairment, disfigurement, mental anguish,  
 33 inconvenience, and lost capacity to enjoy life; future pain and  
 34 suffering, disability, impairment, disfigurement, mental anguish,  
 35 inconvenience, and lost capacity to enjoy life; loss of future  
 36 earning capacity; and future medical and psychiatric care and  
 37 rehabilitation, and

38 WHEREAS, Sandrine Tunc was hospitalized from February 22,  
 39 2003, through February 28, 2003, at the Jackson Memorial Hospital  
 40 for a lacerated liver, fractured ribs, punctured lung, contusions,  
 41 and hematomas, and

42 WHEREAS, also as a result of the injuries incurred on February  
 43 22, 2003, Sandrine Tunc has disfiguring scars as well as a  
 44 permanent hardened cyst-like hematoma in her lower left groin area,  
 45 and

46 WHEREAS, Sandrine Tunc incurred medical expenses of  
 47 \$37,624.20 for her treatment at the Jackson Memorial Hospital  
 48 Ryder Trauma Center, and the decedent, Stephanie Tunc, incurred  
 49 medical expenses of \$45,030.24 at the Jackson Memorial Hospital  
 50 Ryder Trauma Center, and

51 WHEREAS, Sandrine Tunc is receiving continuous medical and  
 52 psychiatric care due to the above injuries as well as the emotional  
 53 trauma of watching her sister being crushed to death by the police  
 54 vehicle while they were lying side-by-side on the beach, and

55 WHEREAS, as a result of a suit filed following the  
 56 incident, the City Commission of the City of Miami Beach  
 57 voluntarily agreed to a settlement of this case in the amount of  
 58 \$1,500,000, of which \$200,000 will be paid by the City of Miami  
 59 Beach, and

HB 1493

2004

60 WHEREAS, the remaining \$1,300,000 is to be paid subject to  
 61 the passage of a claim bill introduced in the Legislature, and

62 WHEREAS, the City of Miami Beach has agreed to support this  
 63 claim bill, NOW, THEREFORE,

64  
 65 Be It Enacted by the Legislature of the State of Florida:

66  
 67 Section 1. The facts stated in the preamble to this act  
 68 are found and declared to be true.

69 Section 2. The City of Miami Beach is authorized and  
 70 directed to appropriate from funds not otherwise appropriated  
 71 and to draw a warrant payable to Claude Tunc and Martine Tunc,  
 72 individually and as personal representatives of the estate of  
 73 Stephanie Tunc, deceased, and Sandrine Tunc, sister of Stephanie  
 74 Tunc, deceased, for the total amount of \$1,300,000, which amount  
 75 is inclusive of costs and attorney's fees as limited by s.  
 76 768.28(8), Florida Statutes, as compensation for injuries and  
 77 damages sustained due to the negligence of the City of Miami  
 78 Beach.

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