

By Senator Margolis

35-102-05

1 A bill to be entitled
2 An act relating to the City of Miami Beach;
3 providing for the relief of Claude Tunc and
4 Martine Tunc, individually and as co-personal
5 representatives of the estate of Stephanie
6 Tunc, deceased, and Sandrine Tunc, for the
7 death of Stephanie Tunc and injuries and
8 damages sustained by Sandrine Tunc due to the
9 negligence of the City of Miami Beach;
10 providing for an appropriation; providing for
11 the use of such funds; providing for attorney's
12 fees and costs; providing an effective date.

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14 WHEREAS, on February 22, 2003, 27-year-old Sandrine
15 Tunc, along with her 26-year-old sister, Stephanie Tunc, were
16 sunbathing on the soft sand of Miami Beach on a sunny
17 afternoon, and

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

27 WHEREAS, Stephanie Tunc was crushed to death by the
28 vehicle and died shortly after the incident, and Sandrine Tunc
29 survived the accident and was transferred to the Ryder Trauma
30 Center at the Jackson Memorial Hospital, and
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1 WHEREAS, the parents of Stephanie Tunc, Claude Tunc and
2 Martine Tunc, seek to recover damages for their mental pain
3 and suffering, as well as future loss of support of services
4 based on the death of their daughter, and

5 WHEREAS, Sandrine Tunc seeks damages for past pain and
6 suffering, disability, impairment, disfigurement, mental
7 anguish, inconvenience, and lost capacity to enjoy life;
8 future pain, suffering, disability, impairment, disfigurement,
9 mental anguish, inconvenience, and lost capacity to enjoy
10 life; loss of future earning capacity; and future medical and
11 psychiatric care and rehabilitation, and

12 WHEREAS, Sandrine Tunc was hospitalized from February
13 22, 2003, through February 28, 2003, at the Jackson Memorial
14 Hospital for a lacerated liver, fractured ribs, punctured
15 lung, contusions, and hematomas, and, as a result of the
16 injuries, has disfiguring scars, as well as a permanent
17 hardened cyst-like hematoma in the lower left groin area, and

18 WHEREAS, Sandrine Tunc incurred a medical bill of
19 \$37,624.20 for her treatment at the Jackson Memorial Hospital
20 Trauma Center, and the decedent, Stephanie Tunc, incurred a
21 bill of \$45,030.24 at the Jackson Memorial Hospital Trauma
22 Center, and

23 WHEREAS, Sandrine Tunc is receiving continuous medical
24 and psychiatric care due to the above injuries, as well as the
25 emotional trauma of watching her sister being crushed to death
26 by the vehicle while they were lying side by side on the
27 beach, and

28 WHEREAS, as a result of a suit filed following the
29 incident, the City of Miami Beach Commission voluntarily
30 agreed to a settlement of this cause in the amount of \$1.5
31 million, of which \$200,000 will be paid by the City of Miami

1 Beach and the remaining \$1.3 million will submitted pursuant
2 to a claim bill to be presented to the Legislature in the
3 amount of \$1.3 million which the City of Miami Beach agreed to
4 support and approve; the City of Miami Beach Commission did in
5 fact convene and adopt the settlement, thereby agreeing to
6 support and give its approval to a claim bill to be presented
7 to the Legislature in the amount of \$1.3 million, NOW,
8 THEREFORE,

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

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

14 Section 2. The City of Miami Beach is authorized and
15 directed to appropriate from funds not otherwise appropriated
16 and to draw \$1.3 million pursuant to the settlement agreement
17 to be paid to Claude Tunc and Martine Tunc, individually and
18 as co-personal representatives of the estate of Stephanie
19 Tunc, deceased, and Sandrine Tunc, which is inclusive of costs
20 and attorney's fees as limited in accordance with section
21 768.28, Florida Statutes.

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

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