

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 co-personal representatives of the estate of
6 Stephanie Tunc, deceased, and Sandrine Tunc, sister of
7 Stephanie Tunc, 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 an
10 appropriation; providing for attorney's fees, lobbyist's
11 fees, and costs; providing an effective date.

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

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

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

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

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

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

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

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

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

57 | beach, and

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

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

65 | WHEREAS, the City of Miami Beach has agreed to support this
 66 | claim bill, NOW, THEREFORE,

67 |

68 | Be It Enacted by the Legislature of the State of Florida:

69 |

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

72 | Section 2. The City of Miami Beach is authorized and
 73 | directed to appropriate from funds not otherwise appropriated
 74 | and to draw warrants in the amount of \$325,000 to be paid to
 75 | Claude Tunc and Martine Tunc, individually and as co-personal
 76 | representatives of the estate of Stephanie Tunc, deceased, and
 77 | in the amount of \$975,000 to Sandrine Tunc, which amount is
 78 | inclusive of costs and attorney's fees as limited by this act,
 79 | as compensation for injuries and damages sustained due to the
 80 | negligence of the City of Miami Beach.

81 | Section 3. Payment for the combined total of professional
 82 | services and costs incurred by attorneys, lobbyists, and agents
 83 | or representatives of attorneys or lobbyists shall not exceed
 84 | \$280,000.

CS/HB 1043

2007

85

Section 4. This act shall take effect upon becoming a law.