

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative(s) Bendross-Mindingall offered the following:

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3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

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

8 Section 2. The City of Miami Beach is authorized and
9 directed to appropriate from funds not otherwise appropriated
10 and to draw warrants in the amount of \$325,000 to be paid to
11 Claude Tunc and Martine Tunc, individually and as co-personal
12 representatives of the estate of Stephanie Tunc, deceased, and
13 in the amount of \$975,000 to Sandrine Tunc, which amount is
14 inclusive of costs and attorney's fees as limited by this act,
15 as compensation for injuries and damages sustained due to the
16 negligence of the City of Miami Beach.

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17 Section 3. Payment for the combined total of professional
18 services and costs incurred by attorneys, lobbyists, and agents
19 or representatives of attorneys or lobbyists shall not exceed
20 \$280,000.

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

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25 ===== T I T L E A M E N D M E N T =====

26 On page 1, line 1, through page 3, line 8, remove all of
27 said lines, and insert:

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A bill to be entitled

31 An act for the relief of Claude Tunc, Martine Tunc, and
32 Sandrine Tunc by the City of Miami Beach; providing for
33 the relief of Claude Tunc and Martine Tunc, individually
34 and as co-personal representatives of the estate of
35 Stephanie Tunc, deceased, and Sandrine Tunc, sister of
36 Stephanie Tunc, for the death of Stephanie Tunc and
37 injuries and damages sustained by Sandrine Tunc due to the
38 negligence of the City of Miami Beach; providing for an
39 appropriation; providing for attorney's fees, lobbyist's
40 fees, and costs; providing an effective date.

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

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45 WHEREAS, Officer George Varon, a police officer employed by
46 the City of Miami Beach Police Department, while in the course
47 and scope of his duties as a City of Miami Beach police officer,
48 drove a Miami Beach police vehicle on the soft sand of Miami
49 Beach and negligently drove through an area of sunbathers near a
50 lifeguard station, and in fact did drive over Stephanie Tunc and
51 Sandrine Tunc with his police vehicle, proximately causing the
52 death of Stephanie Tunc and serious permanent injuries to
53 Sandrine Tunc, and

54 WHEREAS, Stephanie Tunc was crushed to death by the vehicle
55 and died shortly after the incident, and Sandrine Tunc survived
56 the accident and was transferred to the Ryder Trauma Center at
57 the Jackson Memorial Hospital, and

58 WHEREAS, the parents of Stephanie Tunc, Claude Tunc and
59 Martine Tunc, seek to recover damages for their mental pain and
60 suffering, as well as future loss of support of services based
61 on the death of their daughter, and

62 WHEREAS, Sandrine Tunc seeks damages for past pain and
63 suffering, disability, impairment, disfigurement, mental
64 anguish, inconvenience, and lost capacity to enjoy life; future
65 pain and suffering, disability, impairment, disfigurement,
66 mental anguish, inconvenience, and lost capacity to enjoy life;
67 loss of future earning capacity; and future medical and
68 psychiatric care and rehabilitation, and

69 WHEREAS, Sandrine Tunc was hospitalized from February 22,
70 2003, through February 28, 2003, at the Jackson Memorial
71 Hospital for a lacerated liver, fractured ribs, punctured lung,
72 contusions, and hematomas, and

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HOUSE AMENDMENT

Bill No. CS/SB 76

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

77 WHEREAS, Sandrine Tunc incurred medical expenses of
78 \$37,624.20 for her treatment at the Jackson Memorial Hospital
79 Ryder Trauma Center, and the decedent, Stephanie Tunc, incurred
80 medical expenses of \$45,030.24 at the Jackson Memorial Hospital
81 Ryder Trauma Center, and

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

87 WHEREAS, as a result of a suit filed following the
88 incident, the City Commission of the City of Miami Beach
89 voluntarily agreed to a settlement of this cause in the amount
90 of \$1,500,000, of which \$200,000 will be paid by the City of
91 Miami Beach, and

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

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

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