

By Senator Margolis

35-88-07

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 be submitted  
2 pursuant to a claim bill to be presented to the Legislature in  
3 the amount of \$1.3 million which the City of Miami Beach  
4 agreed to support and approve; the City of Miami Beach  
5 Commission did in fact convene and adopt the settlement,  
6 thereby agreeing to support and give its approval to a claim  
7 bill to be presented to the Legislature in the amount of \$1.3  
8 million, NOW, 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 draw a warrant in the amount of \$1.3 million pursuant to  
17 the settlement agreement to be paid to Claude Tunc and Martine  
18 Tunc, individually and as co-personal representatives of the  
19 estate of Stephanie Tunc, deceased, and Sandrine Tunc, which  
20 is inclusive of costs and attorney's fees as limited in  
21 accordance with s. 768.28, Florida Statutes.

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

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