

By the Committee on Criminal Justice; and Senator Margolis

591-2364-07

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 a limitation on fees;

13          providing an effective date.

14

15          WHEREAS, on February 22, 2003, 27-year-old Sandrine

16          Tunc, along with her 26-year-old sister, Stephanie Tunc, were

17          sunbathing on the soft sand of Miami Beach on a sunny

18          afternoon, and

19          WHEREAS, Officer George Varon, a police officer

20          employed by the City of Miami Beach Police Department, while

21          in the course and scope of his duties as a City of Miami Beach

22          police officer, drove a Miami Beach police vehicle on the soft

23          sand of Miami Beach and negligently drove through an area of

24          sunbathers near a lifeguard station, and in fact did drive

25          over Stephanie and Sandrine Tunc with his police vehicle,

26          proximately causing the death of Stephanie Tunc and serious

27          permanent injuries to Sandrine Tunc, and

28          WHEREAS, Stephanie Tunc was crushed to death by the

29          vehicle and died shortly after the incident, and Sandrine Tunc

30          survived the accident and was transferred to the Ryder Trauma

31          Center at the Jackson Memorial Hospital, and

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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,

9  
10 Be It Enacted by the Legislature of the State of Florida:

11  
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 warrants in the amount of \$325,000 to be paid to  
17 Claude Tunc and Martine Tunc, individually and as co-personal  
18 representatives of the estate of Stephanie Tunc, deceased, and  
19 in the amount of \$975,000 to Sandrine Tunc, which is inclusive  
20 of costs and attorney's fees as limited in accordance with s.  
21 768.28, Florida Statutes.

22 Section 3. This award is intended to provide the sole  
23 compensation for any and all present and future claims arising  
24 out of the factual situation in connection with the injury to  
25 Sandrine Tunc and the death of Stephanie Tunc. Not more than  
26 25 percent of the award may be paid by Claude Tunc or Martine  
27 Tunc, individually and as co-personal representatives of the  
28 estate of Stephanie Tunc, deceased, and Sandrine Tunc for  
29 attorney's fees, lobbying fees, costs, or other similar  
30 expenses.

31

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

3  
4                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
5                                COMMITTEE SUBSTITUTE FOR  
6                                Senate Bill 76

7 The CS implements the special master's recommendation to  
8 change the award allocation. The allocation in the original  
9 bill equally dispensed the award to the parents and to the  
10 surviving child. The CS provides for a 75:25 split with the  
11 bulk of the award provided to the surviving child.  
12 Additionally, the CS restricts the attorney and lobbyist fees  
13 to no more than 25% of the award.