

By Senator Peaden

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1 A bill to be entitled

2 An act for the relief of Edwidge Valmyr, as parent and
3 natural guardian of her son, Stanley Valmyr, a minor,
4 and as personal representative of the Estate of
5 Stanley Valmyr, deceased, by the City of North Miami;
6 providing for an appropriation to compensate her for
7 the wrongful death of her son, Stanley Valmyr, as a
8 result of the negligence of the City of North Miami;
9 providing a limitation on the payment of fees and
10 costs; providing an effective date.

11
12 WHEREAS, on March 28, 2007, Edwidge Valmyr registered her
13 son, Stanley Valmyr, who was 7 years of age, for a Fun Day camp
14 operated by the City of North Miami, and

15 WHEREAS, the Fun Day camp was supposed to consist of
16 various arts and crafts activities at the community center, and

17 WHEREAS, before March 30, 2007, which was the day on which
18 the Fun Day was scheduled, the City of North Miami decided to
19 change the camp's activities from arts and crafts to a day at
20 the Thomas Sasso Pool located in the City of North Miami, and

21 WHEREAS, parents and counselors were not notified of the
22 change before the scheduled Fun Day, and

23 WHEREAS, on March 30, 2007, at approximately 8 a.m.,
24 Edwidge Valmyr took Stanley to the camp, and

25 WHEREAS, the campers, including Stanley, and the counselors
26 were not wearing bathing suits since they were not informed that
27 they were going to the pool that day, and

28 WHEREAS, the children who were taken to the pool were given
29 swim tests, and

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30 WHEREAS, Stanley and many other children who were unable to
31 swim were sent to a more shallow area of the pool, and

32 WHEREAS, if the camp counselors had known that they were
33 bringing the children to the pool that day, they would have been
34 in the pool to observe and protect the children, and

35 WHEREAS, the City of North Miami had four lifeguards on
36 duty that day at the Thomas Sasso Pool, and

37 WHEREAS, while the children swam in the pool, three of
38 those four lifeguards were in the administrative office, rather
39 than observing the children, and

40 WHEREAS, one lifeguard was sitting in the lifeguard chair
41 furthest from the area where the children were swimming, and

42 WHEREAS, Stanley Valmyr drowned in the Thomas Sasso Pool on
43 March 30, 2007, and died on July 26, 2007, as a result of
44 injuries sustained from drowning, and

45 WHEREAS, the City of North Miami was negligent in its
46 actions, which directly resulted in the death of Stanley Valmyr,
47 and

48 WHEREAS, a tort claim was filed on behalf of Edwidge
49 Valmyr, as parent and natural guardian of her son, Stanley
50 Valmyr, a minor, and as personal representative of his estate,
51 case number 08-22810(13), in the Circuit Court for the Eleventh
52 Judicial Circuit, and

53 WHEREAS, the claim against the City of North Miami was
54 settled prior to trial, and

55 WHEREAS, the settlement agreement was approved by the
56 court, and

57 WHEREAS, the City of North Miami has agreed to pay \$200,000
58 to Edwidge Valmyr, pursuant to the statutory limits of liability

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59 set forth in s. 768.28, Florida Statutes, and

60 WHEREAS, the settlement agreement provides for the entry of
61 a consent judgment in the amount of \$750,000 to be paid in eight
62 equal payments beginning on the date upon which this act becomes
63 a law, and each year thereafter, and

64 WHEREAS, the City of North Miami has agreed to pay 50
65 percent of the outstanding medical bills for Stanley Valmyr up
66 to \$40,000, and

67 WHEREAS, the City of North Miami has agreed to cooperate
68 and support this act if the amount of compensation does not
69 exceed \$790,000, NOW, THEREFORE,

70
71 Be It Enacted by the Legislature of the State of Florida:

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

75 Section 2. The City of North Miami is authorized and
76 directed to appropriate from funds of the city not otherwise
77 appropriated and draw a warrant payable to Edwidge Valmyr, as
78 natural parent and guardian of her son, Stanley Valmyr, a minor,
79 and personal representative of his estate, in the sum of \$93,750
80 to be paid in eight equal payments beginning on the date upon
81 which this act becomes a law, and each year thereafter, plus an
82 amount equivalent to 50 percent of the outstanding medical bills
83 for Stanley Valmyr not to exceed \$40,000, as compensation for
84 the death of Stanley Valmyr due to the negligence of the City of
85 North Miami.

86 Section 3. The amount paid by the City of North Miami
87 pursuant to s. 768.28, Florida Statutes, and the amount awarded

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88 under this act are intended to provide the sole compensation for
89 all present and future claims arising out of the factual
90 situation described in this act which resulted in the death of
91 Stanley Valmyr. The total amount paid for attorney's fees,
92 lobbying fees, costs, and other similar expenses relating to
93 this claim may not exceed 25 percent of the amount awarded under
94 this act.

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