

Committee Substitute for Senate Bill No. 56

An act relating to the City of Vero Beach; providing for the relief of Joseph Arvay; directing the City of Vero Beach to compensate Mr. Arvay for injuries caused by the negligence of a city police officer; providing an effective date.

WHEREAS, on February 25, 1994, Mr. Joseph Arvay was involved in a nearly fatal traffic accident that occurred on State Road 60 West near Vero Beach City Hall, and

WHEREAS, the accident occurred because an unmarked police car driven by a police officer hit the side of Mr. Arvay's vehicle, causing him to lose control and crash into a tree, and

WHEREAS, after investigating the accident, the City of Vero Beach Police cited the officer for violating Mr. Arvay's right-of-way, and sent the officer to driving school, and

WHEREAS, a trial court later ruled that, at the time of the accident, the police officer was acting in the course and scope of his employment as a City of Vero Beach Police Officer, and, upon appeal, that holding was affirmed, and

WHEREAS, at the scene of the accident, Mr. Arvay was unconscious and bleeding from his ear, he was removed from his car with the jaws of life, and he was intubated and rushed "priority one" to the hospital, and

WHEREAS, Mr. Arvay received extremely serious injuries, including multiple orthopedic injuries, paralysis of his right side and of his vocal cord, and severe traumatic brain injury, all of which necessitate 24-hour-a-day care now and in the future, and

WHEREAS, because of the ongoing care that he needs, Mr. Arvay now lives in an assisted-living facility, where he receives 24-hour-a-day care, and

WHEREAS, a lawsuit was filed against the City of Vero Beach on behalf of Mr. Arvay, and

WHEREAS, the City of Vero Beach has admitted liability and causation for the accident, and

WHEREAS, the City of Vero Beach desires to provide for the past and future care of Mr. Arvay for the remainder of his life, as well as to compensate him for the losses that he has sustained as a result of the accident, and

WHEREAS, the City of Vero Beach and Joseph Arvay have agreed to and have entered into a Consent Final Judgment, the terms of which are hereby adopted and incorporated by reference, in order to resolve all claims without the necessity of a jury trial, and

WHEREAS, all parties acknowledge that the Consent Final Judgment, which was signed by Circuit Court Judge Scott M. Kenney prior to trial in this matter, is in the best interests of all parties, and

WHEREAS, the City of Vero Beach has paid Joseph Arvay \$100,000, in accordance with the limits set forth in section 768.28, Florida Statutes, and

WHEREAS, both parties ask that a claim bill be enacted in order to authorize the additional payments ordered by the Consent Final Judgment, NOW, THEREFORE,

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

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

Section 2. The City of Vero Beach is authorized and directed to compensate Joseph Arvay, out of funds of the city not otherwise appropriated, in an amount not to exceed \$4,349,094.48, which shall be paid pursuant to an amended Consent Final Judgment described below. Before the city is authorized and directed to make any payments to Joseph Arvay, the Consent Final Judgment entered on July 3, 2000, in the case of Joseph Arvay v. City of Vero Beach, Case No. 94-0541 CA, 19th Judicial Circuit, in and for Indian River County, shall be amended to:

(1) Condition any payments of cash to Mr. Arvay on the prior appointment of a guardian of the property by the Circuit Court;

(2) Delete the requirement of paragraph 6 of the Consent Final Judgment granting an inheritance to Mr. Arvay's daughters of up to \$75,000; and

(3) Reduce the attorney's fees payable under paragraph 7 of the Consent Final Judgment by \$18,750 from \$908,568.90 to \$889,818.90.

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

Approved by the Governor June 5, 2002.

Filed in Office Secretary of State June 5, 2002.