

Committee Substitute for Senate Bill No. 76

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, the City of Miami Beach has agreed to support this claim bill, 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 Miami Beach is authorized and directed to appropriate from funds not otherwise appropriated and to draw warrants in the amount of \$325,000 to be paid to Claude Tunc and Martine Tunc, individually and as co-personal representatives of the estate of Stephanie Tunc, deceased, and in the amount of \$975,000 to Sandrine Tunc, which amount is inclusive of costs and attorney's fees as limited by this act, as compensation for injuries and damages sustained due to the negligence of the City of Miami Beach.

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

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

Approved by the Governor June 12, 2007.

Filed in Office Secretary of State June 12, 2007.