

By Senator Silver

38-33A-02

1 A bill to be entitled
2 An act relating to the City of Vero Beach;
3 providing for the relief of Joseph Arvay;
4 directing the City of Vero Beach to compensate
5 Mr. Arvay for injuries caused by the negligence
6 of a city police officer; providing an
7 effective date.

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

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

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

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

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

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

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

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

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

8 WHEREAS, the City of Vero Beach desires to provide for
9 the past and future care of Mr. Arvay for the remainder of his
10 life, as well as to compensate him and, upon his death, his
11 children for the losses that they have sustained as a result
12 of the accident, and

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

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

22 WHEREAS, the City of Vero Beach has paid Joseph Arvay
23 \$100,000, in accordance with the limits set forth in section
24 768.28, Florida Statutes, and

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

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

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

3 Section 2. The City of Vero Beach is authorized and
4 directed to compensate Joseph Arvay, out of funds of the city
5 not otherwise appropriated, in an amount not to exceed
6 \$4,349,094.48, which shall be paid pursuant to an amended
7 Consent Final Judgment described below. Before the city is
8 authorized and directed to make any payments to Joseph Arvay,
9 the Consent Final Judgment entered on July 3, 2000, in the
10 case of Joseph Arvay v. City of Vero Beach, Case No. 94-0541
11 CA, 19th Judicial Circuit, in and for Indian River County,
12 shall be amended to:

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

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

19 (3) Reduce the attorney's fees payable under paragraph
20 7 of the Consent Final Judgment by \$18,750 from \$908,568.90 to
21 \$889,818.90.

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

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