

By Senator Braynon

36-00144-14

201448__

1 A bill to be entitled
2 An act for the relief of Ramiro Companioni by the City
3 of Tampa; providing for an appropriation to compensate
4 Mr. Companioni for injuries sustained as a result of
5 the negligence of an employee of the City of Tampa;
6 providing a limitation on the payment of fees and
7 costs; providing an effective date.

8
9 WHEREAS, on November 22, 1996, at about noon, 34-year-old
10 Ramiro Companioni was operating his motorcycle in the inside
11 eastbound lane of East Hillsborough Avenue near its intersection
12 with North 50th Street, and

13 WHEREAS, a City of Tampa Water Department truck operated by
14 a city employee, Faustino Pierola, accompanied by two other
15 similar vehicles owned by the city and operated by city
16 employees, pulled into the outside eastbound lane from the south
17 shoulder of Hillsborough Avenue and steered across three lanes
18 of traffic into the path of Ramiro Companioni, and

19 WHEREAS, although Ramiro Companioni attempted to avoid the
20 collision by laying down his motorcycle, he and his motorcycle
21 struck the rear of the city-owned truck, violently ejecting him
22 from the motorcycle onto the payment, causing him massive and
23 catastrophic injuries, and

24 WHEREAS, an independent eyewitness interviewed at the scene
25 told traffic accident investigators that he witnessed the city-
26 owned truck pull away from the shoulder and steer across the
27 lanes of traffic into the lane in which Ramiro Companioni was
28 travelling, and

29 WHEREAS, the eyewitness estimated that Ramiro Companioni

36-00144-14

201448__

30 had been travelling at a speed of 40 miles per hour as he
31 approached the city-owned truck, well within the maximum speed
32 limit of 45 miles per hour, and

33 WHEREAS, the eyewitness stated that the driver of the city-
34 owned truck, Mr. Pierola, was the cause of the accident, and

35 WHEREAS, additional witnesses testified that the three-
36 truck caravan owned and operated by the city appeared to be a
37 "wagon train" and that by steering directly into the inside lane
38 Ramiro Companioni, who was driving within the speed limit, was
39 "cut off" by the trucks and had "nowhere to go," and

40 WHEREAS, Mr. Pierola, the City of Tampa employee
41 responsible for the accident, admitted that he failed to observe
42 any oncoming traffic despite an even roadway, clear visibility,
43 and the absence of obstructions, indicating that he was
44 negligent by failing to properly look for oncoming traffic, and

45 WHEREAS, despite an obvious conflict of interest, the City
46 of Tampa Police Department failed to call in an independent law
47 enforcement agency to conduct the official traffic accident
48 investigation and attributed fault to both Mr. Pierola and
49 Ramiro Companioni, opining that, despite eyewitness testimony to
50 the contrary, Mr. Companioni may have been operating his vehicle
51 in excess of the speed limit, and

52 WHEREAS, city employees at the scene, including Mr.
53 Pierola, did not testify that Ramiro Companioni was operating
54 his vehicle in excess of the maximum speed limit, and

55 WHEREAS, as a result of the collision, Ramiro Companioni
56 was rendered unconscious and suffered massive catastrophic
57 injuries, including coma; multiple internal lacerations of the
58 midsection organs resulting in the loss of the large intestine

36-00144-14

201448__

59 and necessitating a colostomy and urethral catheter; removal of
60 the spleen; multiple fractures of his right hip and four spinal
61 vertebra; a severed right sciatic nerve, resulting in loss of
62 control of the right hip, leg, and foot; laceration and partial
63 severance of the urethra and testicles; and multiple lacerations
64 and abrasions from contact with the road surface causing
65 permanent scarring and disfigurement, and

66 WHEREAS, Ramiro Companioni's permanent injuries include
67 fusions of his hips and lower back, surgeries of the midsection
68 to repair the abdomen, multiple bouts of sepsis and infection,
69 reattachment of the urethra and testicles, severe concussion
70 syndrome, and posttraumatic stress disorder, and

71 WHEREAS, Ramiro Companioni's medical expenses totaled more
72 than \$1.2 million, and

73 WHEREAS, Ramiro Companioni, who was an executive chef at
74 the time of the accident, has suffered a loss of earnings and
75 his earning capacity has been devastated, and

76 WHEREAS, although permanently disabled, Ramiro Companioni
77 has persevered and attempted to support himself by operating a
78 hot dog stand at Tampa Bay Buccaneer games and other crowd
79 events, and

80 WHEREAS, at the time of the accident, Ramiro Companioni was
81 an active, physically fit man in the prime of his life and had
82 served his country as a Third Class Naval Reservist in a special
83 unit attached to a Marine Corps and Navy Seal Assault Landing
84 Craft Unit, and

85 WHEREAS, on March 26, 2004, a Hillsborough County jury
86 found the City of Tampa, by and through its employee, Mr.
87 Pierola, to be negligent and 90 percent at fault for the

36-00144-14

201448__

88 accident and causing the injuries to Ramiro Companioni, and
89 found Mr. Companioni to be 10 percent comparatively negligent,
90 and

91 WHEREAS, the jury determined Ramiro Companioni's damages to
92 be in the amount of \$17,928,800, and

93 WHEREAS, final judgment was entered on April 5, 2004, in
94 the amount of the jury verdict, plus interest at the statutory
95 rate of 7 percent per annum, and

96 WHEREAS, following multiple posttrial motions and appeals,
97 which have denied Ramiro Companioni justice for nearly 10 years,
98 the Florida Supreme Court and the Second District Court of
99 Appeal upheld the verdict and final judgment, and

100 WHEREAS, the City of Tampa has paid \$100,000, which is the
101 sovereign immunity limit applicable to this case, leaving a
102 remaining balance of \$17,828,800 for which Ramiro Companioni
103 seeks satisfaction, and

104 WHEREAS, all legal remedies have been exhausted, NOW,
105 THEREFORE,

106

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

108

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

111 Section 2. The City of Tampa is authorized and directed to
112 appropriate from funds of the city not otherwise appropriated
113 and to draw a warrant in the amount of \$17,828,800, payable to
114 Ramiro Companioni, as compensation for injuries and damages
115 sustained as a result of the negligence of an employee of the
116 City of Tampa.

36-00144-14

201448__

117 Section 3. The total amount paid for attorney fees,
118 lobbying fees, costs, and other similar expenses relating to
119 this claim may not exceed 25 percent of the amount awarded under
120 this act.

121 Section 4. The amount paid by the City of Tampa pursuant to
122 s. 768.28, Florida Statutes, and this award are intended to
123 provide the sole compensation for all present and future claims
124 arising out of the factual situation described in this act which
125 resulted in the injuries and damages sustained by Ramiro
126 Companiononi.

127 Section 5. This act shall take effect upon becoming a law.