

By the Committee on Civil Justice & Claims and
Representative Miller

1 A bill to be entitled
2 An act relating to the City of Tampa; providing
3 for the relief of Jemal Kurein, by and through
4 his wife and natural guardian, Semira Kurein,
5 and for Semira Kurein, individually, and for
6 Remzu Kurein and Nima Kurein, minor children of
7 Jemal Kurein and Semira Kurein, by and through
8 their mother, Semira Kurein; providing for an
9 appropriation to compensate them for injuries
10 and damages sustained by Jemal Kurein as a
11 result of the negligence of the City of Tampa;
12 providing for payment of Medicaid liens prior
13 to disbursements of the warrants; providing an
14 effective date.

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16 WHEREAS, on March 17, 1993, Jemal Kurein, working as a
17 taxicab driver, was driving his cab northbound on Howard
18 Avenue in Tampa, and

19 WHEREAS, Jemal Kurein was traveling at approximately 15
20 miles per hour through a green light at the intersection of
21 Howard Avenue and Main Street when a City of Tampa fire truck,
22 driven by Brant Cochran, was traveling eastbound on Main
23 Street on its way to a call at approximately 35 miles per
24 hour, and

25 WHEREAS, the intersection through which Jemal Kurein
26 was traveling at the time the accident occurred is a blind
27 intersection due to the close proximity of buildings to the
28 intersection, and

29 WHEREAS, Jemal Kurein, while traveling with the
30 right-of-way through the green light at the intersection, was
31 unable to see the City of Tampa fire truck, which was

1 traveling at too high a rate of speed and was approaching a
2 red light at the intersection, and

3 WHEREAS, the City of Tampa fire truck raced through the
4 red light and slammed Jemal Kurein's cab from the right side,
5 pushing him into the storefront wall at the northeast corner
6 of the intersection, and

7 WHEREAS, the impact from the crash was so severe that
8 the right side of Jemal Kurein's head was struck by the fire
9 truck, and

10 WHEREAS, Jemal Kurein's head then rebounded, causing
11 the left side of his head to strike the window or pillar of
12 the left side of his cab, and

13 WHEREAS, the City of Tampa Police Department conducted
14 an investigation of the accident and determined that the
15 operator of the City of Tampa fire truck ran a red light, and

16 WHEREAS, the City of Tampa also conducted an
17 administrative investigation independent of the police
18 accident reconstruction and concluded that Mr. Cochran was
19 negligent, failed to use due care, and violated the city's
20 safety policies and procedures, and determined that a
21 "level-three violation" had been committed according to the
22 city administrative code, and

23 WHEREAS, Mark Barroso, an eyewitness, testified that he
24 saw that the traffic light at the intersection was red for the
25 fire truck for approximately five seconds before the accident
26 and that the traffic light was red both before and after the
27 accident, and

28 WHEREAS, Geoffrey Shelley, another witness, saw that
29 the traffic light was red for the fire truck for two to three
30 seconds before impact and that the fire truck never slowed,
31 and

1 WHEREAS, although Mr. Cochran claimed to have proceeded
2 through the intersection under the indication of a green or
3 yellow light, he testified that he could not recall when he
4 last looked at the light, and

5 WHEREAS, Mr. Cochran also testified that when he was at
6 the previous intersection heading east on Main Street, the
7 light ahead at the intersection of Howard and Main was green
8 for him, and

9 WHEREAS, police determined that it would have taken Mr.
10 Cochran nearly 18 seconds to reach the intersection at Howard
11 and Main, and that the light remains green for only 14
12 seconds, which leads to the conclusion that Mr. Cochran had a
13 red light for at least 3 to 5 seconds prior to entering the
14 intersection, and

15 WHEREAS, Jemal Kurein sustained a massive head injury
16 in the accident of March 17, 1993, with an internal brain
17 hemorrhage, and

18 WHEREAS, Jemal Kurein was in a coma for several days
19 following the accident and underwent five separate surgical
20 procedures, and

21 WHEREAS, Jemal Kurein suffers from a closed head and
22 brain injury and dementia, and

23 WHEREAS, Jemal Kurein needs 24-hour-a-day care and
24 supervision and is currently in a nursing home, and

25 WHEREAS, Jemal Kurein has an I.Q. of 56 and is like a
26 3-year-old child, and

27 WHEREAS, Jemal Kurein also sustained a fractured
28 dislocation of his left elbow and his left wrist, and also
29 suffered several fractured ribs, and

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1 WHEREAS, Jemal Kurein, now age 37, will never recover
2 from his cognitive deficits and is permanently and totally
3 disabled, and

4 WHEREAS, Jemal Kurein will never work again and will
5 never be able to take care of himself again, and

6 WHEREAS, Jemal Kurein's lost wages, medical bills, and
7 life care needs, past and future, exceed \$2,100,000, and

8 WHEREAS, the injuries sustained by Jemal Kurein in the
9 accident of March 17, 1993, formed the basis of legal action
10 brought against the City of Tampa, and

11 WHEREAS, following a jury trial in which Jemal Kurein
12 was awarded \$4,698,523, the jury assessed the City of Tampa's
13 liability in the accident to be 10 percent, and

14 WHEREAS, a total final judgment was entered for
15 \$490,930.30, and

16 WHEREAS, the City of Tampa has paid \$200,000 of the
17 judgment pursuant to the limits of liability set forth in s.
18 768.28, Florida Statutes, and

19 WHEREAS, the amount of the claim for the excess
20 judgment is for \$290,930.30, NOW, THEREFORE,

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

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

26 Section 2. The City of Tampa is authorized and
27 directed to appropriate from funds of the city not otherwise
28 appropriated and to draw a warrant in the sum of \$290,930.30
29 payable to Semira Kurein, as wife and natural guardian of
30 Jemal Kurein, for the benefit of Jemal Kurein, and to Semira
31 Kurein, individually and as mother and natural guardian of

1 Remzu Kurein and Nima Kurein, minor children of Jemal Kurein
2 and Semira Kurein, as compensation for injuries and damages
3 sustained by Jemal Kurein due to the negligence of the City of
4 Tampa.

5 Section 3. The governmental entity responsible for
6 payment of the warrant shall make payment to the Florida
7 Agency for Health Care Administration the amount due under s.
8 409.910, Florida Statutes, prior to the disbursement of funds
9 to the claimant, except that the amount due shall be reduced
10 by the agency's proportionate share of legal costs and
11 attorney's fees. However, the amount due the Agency for
12 Health Care Administration shall be reduced by no more than 25
13 percent. The amount due the agency shall be calculated based
14 on medical payments paid up to the date upon which this act
15 becomes a law.

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

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