

By Senator Grant

13-188-98

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 an effective date.

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

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

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

27           WHEREAS, Jemal Kurein, while traveling with the  
28          right-of-way through the green light at the intersection, was  
29          unable to see the City of Tampa fire truck, which was  
30          traveling at too high a rate of speed and was approaching a  
31          red light at the intersection, and

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

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

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

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

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

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

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

30           WHEREAS, although Mr. Cochran claimed to have proceeded  
31 through the intersection under the indication of a green or

1 yellow light, he testified that he could not recall when he  
2 last looked at the light, and

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

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

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

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

19 WHEREAS, Jemal Kurein suffers from a closed head and  
20 brain injury and dementia, and

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

23 WHEREAS, Jemal Kurein has an I.Q. of 56 and is like a  
24 3-year-old child, and

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

28 WHEREAS, Jemal Kurein, now age 37, will never recover  
29 from his cognitive deficits and is permanently and totally  
30 disabled, and

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

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

5           WHEREAS, the injuries sustained by Jemal Kurein in the  
6 accident of March 17, 1993, formed the basis of legal action  
7 brought against the City of Tampa, and

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

11           WHEREAS, a total final judgment was entered for  
12 \$490,930.30, and

13           WHEREAS, the City of Tampa has paid \$200,000 of the  
14 judgment pursuant to the limits of liability set forth in s.  
15 768.28, Florida Statutes, and

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

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

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

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

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1 sustained by Jemal Kurein due to the negligence of the City of  
2 Tampa.

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

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