

By Senator Braynon

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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, at about noon on November 22, 1996, 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 city employee Faustino Pierola, which was accompanied by two
15 other similar vehicles owned by the city and operated by city
16 employees, pulled into the outside, eastbound lane from the
17 south shoulder of Hillsborough Avenue and steered across three
18 lanes of traffic into the path of Mr. Companioni, and

19 WHEREAS, although Mr. 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 pavement, 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 Mr. Companioni was
28 traveling, and

29 WHEREAS, the eyewitness estimated that Mr. Companioni had

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30 been traveling at a speed of 40 miles per hour as he approached
31 the city-owned truck, which was 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 Mr. Companioni was "cut off" by the
38 trucks and had "nowhere to go," and

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

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

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

53 WHEREAS, as a result of the collision, Mr. Companioni was
54 rendered unconscious and suffered massive catastrophic injuries,
55 including coma; multiple internal lacerations of the midsection
56 organs resulting in the loss of the large intestine and
57 necessitating a colostomy and urethral catheter; removal of the
58 spleen; multiple fractures of his right hip and four spinal

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59 vertebra; a severed right sciatic nerve, resulting in loss of
60 control of the right hip, leg, and foot; laceration and partial
61 severance of the urethra and testicles; and multiple lacerations
62 and abrasions from contact with the road surface causing
63 permanent scarring and disfigurement, and

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

69 WHEREAS, Mr. Companioni's medical expenses totaled more
70 than \$1.2 million, and

71 WHEREAS, Mr. Companioni, who was an executive chef at the
72 time of the accident, has suffered a loss of earnings and his
73 earning capacity has been devastated, and

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

78 WHEREAS, at the time of the accident, Mr. Companioni was an
79 active, physically fit man in the prime of his life and had
80 served his country as a Third Class Naval Reservist in a special
81 unit attached to a Marine Corps and Navy Seal assault landing
82 craft unit, and

83 WHEREAS, on March 26, 2004, a Hillsborough County jury
84 found the City of Tampa, by and through its employee, Mr.
85 Pierola, to be negligent and 90 percent at fault for the
86 accident and resulting injuries to Mr. Companioni, and found Mr.
87 Companioni to be 10 percent comparatively negligent, and

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88 WHEREAS, the jury determined Mr. Companioni's damages to be
89 in the amount of \$17,928,800, and

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

93 WHEREAS, following multiple posttrial motions and appeals,
94 which have denied Mr. Companioni justice for more than 10 years,
95 the Florida Supreme Court and the Second District Court of
96 Appeal upheld the verdict and final judgment, and

97 WHEREAS, the City of Tampa has paid \$100,000, which is the
98 sovereign immunity limit applicable to this case, leaving a
99 remaining balance of \$17,828,800 for which Mr. Companioni seeks
100 satisfaction, and

101 WHEREAS, all legal remedies have been exhausted, NOW,
102 THEREFORE,

103

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

105

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

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

114 Section 3. The total amount paid for attorney fees,
115 lobbying fees, costs, and other similar expenses relating to
116 this claim may not exceed 25 percent of the amount awarded under

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117 this act.

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

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