

HB 3533

2016

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

Page 1 of 5

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hb3533-00

27 | lanes of traffic into the lane in which Mr. Companioni was  
28 | traveling, and

29 |       WHEREAS, the eyewitness estimated that Mr. Companioni had  
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 assert that Mr. Companioni was operating his  
52 | vehicle in excess of the maximum speed limit, and

HB 3533

2016

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  
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

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 THERFORE,

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  
107 are 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  
117 this act.

118           Section 4. The amount paid by the City of Tampa pursuant  
119 to 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.