

By Senator Galvano

21-00022-17

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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 compensation,  
7           fees, and 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  
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

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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

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

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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

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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, plus interest at the statutory  
100 rate of 7 percent per annum, for which Mr. Companioni seeks  
101 satisfaction, and

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

104

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

106

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

109 Section 2. The City of Tampa is authorized and directed to  
110 appropriate from funds not otherwise encumbered and to draw a  
111 warrant in the sum of \$17,828,800, plus interest at the  
112 statutory rate of 7 percent per annum, payable to Ramiro  
113 Companioni as compensation for injuries and damages sustained.

114 Section 3. The amount paid by the City of Tampa pursuant to  
115 s. 768.28, Florida Statutes, and the amount awarded under this  
116 act are intended to provide the sole compensation for all  
117 present and future claims arising out of the factual situation  
118 described in this act which resulted in injuries and damages to  
119 Mr. Companioni. The total amount paid for attorney fees,

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120 lobbying fees, costs, and similar expenses relating to this  
121 claim may not exceed 25 percent of the amount awarded under this  
122 act.

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