

By Senator Galvano

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1 A bill to be entitled

2 An act for the relief of Ramiro Companioni, Jr., by
3 the City of Tampa; providing for an appropriation to
4 compensate Mr. Companioni for injuries sustained as a
5 result of the negligence of an employee of the City of
6 Tampa; providing a limitation on the payment of
7 compensation and fees; providing an effective date.

8
9 WHEREAS, at about noon on November 22, 1996, 34-year-old
10 Ramiro Companioni, Jr., was operating his motorcycle in the
11 inside, eastbound lane of East Hillsborough Avenue near its
12 intersection 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, independent eyewitnesses interviewed at the scene
25 told traffic accident investigators that they witnessed the
26 city-owned truck pull away from the shoulder and steer across
27 the lanes of traffic into the lane in which Mr. Companioni was
28 traveling, and

29 WHEREAS, one eyewitness estimated that Mr. Companioni had

21-00228A-18

201846__

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, witnesses testified at trial that the three-truck
36 caravan owned and operated by the city appeared to be a "wagon
37 train," and that Mr. Companioni was "cut off" by the trucks and
38 had "nowhere to go," and

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

43 WHEREAS, despite an obvious conflict of interest, the City
44 of Tampa Police Department failed to request an independent law
45 enforcement agency to conduct the official traffic accident
46 investigation, and the department attributed fault to both Mr.
47 Pierola and Mr. Companioni, ignoring the eyewitnesses' testimony
48 that Mr. Companioni was not operating his vehicle in excess of
49 the speed limit, and

50 WHEREAS, city employees at the scene, including Mr.
51 Pierola, did not tell investigators that Mr. Companioni was
52 operating his 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

21-00228A-18

201846__

59 vertebrae; 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 injuries include fusions of his
65 hips and lower back, surgeries on his midsection to repair the
66 abdomen, multiple bouts of sepsis and infection, reattachment of
67 the urethra and testicles, severe concussion syndrome, and
68 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, and had earned more than \$40,000 in income
73 annually, and

74 WHEREAS, according to the unrefuted testimony of a
75 prominent Tampa restaurateur, Mr. Companioni was a rising star
76 in the local restaurant community and would have likely had his
77 annual income rise to more than \$80,000 annually had he not been
78 injured, and

79 WHEREAS, as a result of the accident, Mr. Companioni has
80 suffered a loss of earnings and his earning capacity has been
81 devastated, and

82 WHEREAS, although permanently disabled, Mr. Companioni has
83 persevered and attempted to support himself by operating a hot
84 dog stand at Tampa Bay Buccaneers games and other crowd events,
85 and

86 WHEREAS, at the time of the accident, Mr. Companioni was an
87 active, physically fit man in the prime of his life and had

21-00228A-18

201846__

88 served his country as a Third Class Naval Reservist in a special
89 unit attached to a Marine Corps and Navy Seal assault landing
90 craft unit, and

91 WHEREAS, before the accident, Mr. Companioni actively
92 served his community as a volunteer and was a Mason, which
93 included volunteering and donating his services for various
94 charity events at the Shriners Hospital for Children in his role
95 as a Shriner, volunteering at career days and counseling
96 students interested in becoming chefs at four high schools in
97 Tampa, volunteering at community hospitals as part of the Navy's
98 "Operation White Hat" program, and has continued volunteering at
99 events at Christ the King Catholic Church through organizing the
100 church's food service for various charitable events, and

101 WHEREAS, Mr. Companioni has suffered catastrophic and life-
102 changing injuries, severe bodily injury, pain and suffering,
103 mental anguish, disfigurement, incontinence which requires the
104 use of a colostomy bag, and the loss of enjoyment of life, and

105 WHEREAS, on March 26, 2004, a Hillsborough County jury
106 found the City of Tampa, by and through its employee, Mr.
107 Pierola, to be negligent and 90 percent at fault for the
108 accident and resulting injuries to Mr. Companioni, and found Mr.
109 Companioni to be 10 percent comparatively negligent, and

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

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

115 WHEREAS, following multiple posttrial motions and appeals,
116 which have denied Mr. Companioni justice for more than 10 years,

21-00228A-18

201846__

117 the Florida Supreme Court and the Second District Court of
118 Appeal upheld the verdict and final judgment, and

119 WHEREAS, the City of Tampa has paid \$100,000, which is the
120 sovereign immunity limit applicable to this case, leaving a
121 remaining balance of \$17,828,800, plus interest at the statutory
122 rate of 7 percent per annum, for which Mr. Companioni seeks
123 satisfaction, and

124 WHEREAS, Mr. Companioni has waited more than 21 years for
125 any compensation in excess of the \$100,000 sovereign immunity
126 cap and has lived a tragic life because of his disabilities and
127 life-changing permanent injuries, which have been made more
128 difficult without receiving adequate compensation, NOW,
129 THEREFORE,

130

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

132

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

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

141 Section 3. The amount paid by the City of Tampa pursuant to
142 s. 768.28, Florida Statutes, and the amount awarded under this
143 act are intended to provide the sole compensation for all
144 present and future claims arising out of the factual situation
145 described in this act which resulted in injuries and damages to

21-00228A-18

201846__

146 Mr. Companioni. The total amount paid for attorney fees relating
147 to this claim may not exceed 25 percent of the amount awarded
148 under this act.

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