

By Senator Braynon

33-00040-13

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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 Ramiro Companioni for injuries sustained as a result
5 of negligence by 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, on November 22, 1996, at approximately noon, 34-
10 year-old Ramiro Companioni was operating his motorcycle in the
11 inside eastbound lane of East Hillsborough Avenue near its
12 intersection with North 50th Street, when a City of Tampa Water
13 Department truck operated by a city employee, Faustino Pierola,
14 accompanied by two other similar vehicles owned by the city and
15 operated by city employees, pulled into the outside eastbound
16 lane from the south shoulder of Hillsborough Avenue and steered
17 across three lanes of traffic into the path of Mr. Companioni,
18 and

19 WHEREAS, although Ramiro 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 and onto the payment, causing him massive
23 and catastrophic injuries, and

24 WHEREAS, an independent eyewitness interviewed at the scene
25 told the traffic accident investigators that he witnessed the
26 city-owned truck pull away from the shoulder and steer across
27 the lanes of traffic into the lane in which Ramiro Companioni
28 was travelling, and

29 WHEREAS, the eyewitness estimated that Ramiro Companioni

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30 had been travelling at a speed of 40 miles per hour as he
31 approached the city-owned truck, 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, Faustino Pierola, was the cause of the accident,
35 and

36 WHEREAS, additional witnesses testified that the three-
37 truck caravan owned and operated by the city appeared to be a
38 "wagon train" and that by steering directly into the inside lane
39 Ramiro Companioni, who was driving within the speed limit, was
40 "cut off" by the trucks and had "nowhere to go," and

41 WHEREAS, Faustino Pierola, the City of Tampa employee
42 responsible for the accident, admitted that he failed to observe
43 any oncoming traffic despite no obstructions, an even roadway,
44 and clear visibility, indicating that he was negligent by
45 failing to properly look for oncoming traffic, and

46 WHEREAS, despite the obvious conflict of interest, the City
47 of Tampa Police Department failed to call in an independent law
48 enforcement agency to conduct the official traffic accident
49 investigation and attributed fault to Faustino Pierola as well
50 as Ramiro Companioni, opining that Ramiro Companioni may have
51 been operating his vehicle in excess of the speed limit even
52 though independent eyewitnesses testified that Ramiro Companioni
53 was operating his vehicle lawfully and within the speed limit,
54 and

55 WHEREAS, city employees at the scene, including Faustino
56 Pierola, did not testify that Ramiro Companioni was operating
57 his vehicle in excess of the maximum speed limit, and

58 WHEREAS, as a result of the collision, Ramiro Companioni

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59 was rendered unconscious and suffered massive catastrophic
60 injuries, including coma; multiple internal lacerations of the
61 midsection organs resulting in the loss of the large intestine
62 and necessitating a colostomy and urethral catheter; removal of
63 the spleen; multiple fractures of his right hip and four spinal
64 vertebra; the severance of the right sciatic nerve causing loss
65 of control of the right hip, leg, and foot; laceration and
66 partial severance of the urethra and testicles; and multiple
67 lacerations and abrasions from contact with the road surface
68 causing permanent scarring and disfigurement, and

69 WHEREAS, Ramiro Companioni's permanent injuries include
70 fusions of his hips and lower back, surgeries of the midsection
71 to repair the abdomen, multiple bouts of sepsis and infection,
72 reattachment of the urethra and testicles, severe concussion
73 syndrome, and post-traumatic stress disorder, and

74 WHEREAS, Ramiro Companioni's medical expenses amounted to
75 more than \$1.2 million, and

76 WHEREAS, Ramiro Companioni, who was an executive chef at
77 the time of the accident, has suffered a loss of earnings and
78 his earning capacity has been devastated, and

79 WHEREAS, although permanently disabled, Ramiro Companioni
80 has persevered and attempted to support himself by operating a
81 hot dog stand at Tampa Bay Buccaneer games and other crowd
82 events, and

83 WHEREAS, at the time of the accident, Ramiro Companioni was
84 an active, physically fit man in the prime of his life and had
85 served his country as a Third Class Naval Reservist in a special
86 unit attached to a Marine Corps and Navy Seal Assault Landing
87 Craft Unit, and

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88 WHEREAS, on March 26, 2004, a Hillsborough County jury
89 found the City of Tampa, by and through its employee, Faustino
90 Pierola, to be negligent and 90 percent at fault for the
91 accident and causing the injuries to Ramiro Companioni, and
92 found Ramiro Companioni to be 10 percent comparatively
93 negligent, and

94 WHEREAS, the jury determined Ramiro Companioni's damages to
95 be in the amount of \$17,928,800, and

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

99 WHEREAS, following multiple posttrial motions and appeals,
100 which have denied Ramiro Companioni justice for nearly 10 years,
101 the Florida Supreme Court and the Second District Court of
102 Appeal upheld the verdict and final judgment, and

103 WHEREAS, the City of Tampa has paid \$100,000, which is the
104 sovereign immunity limit applicable to this case, leaving a
105 remaining balance of \$17,828,800 for which Ramiro Companioni
106 seeks satisfaction, and

107 WHEREAS, all legal remedies have been exhausted, NOW,
108 THEREFORE,

109

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

111

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

114 Section 2. The City of Tampa is authorized and directed to
115 appropriate from funds of the city not otherwise appropriated
116 and to draw a warrant in the amount of \$17,828,800, payable to

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117 Ramiro Companioni, as compensation for injuries and damages
118 sustained as a result of the negligence of an employee of the
119 City of Tampa.

120 Section 3. The amount paid by the City of Tampa pursuant to
121 s. 768.28, Florida Statutes, and this award are intended to
122 provide the sole compensation for all present and future claims
123 arising out of the factual situation described in this act which
124 resulted in the injuries and damages sustained by Ramiro
125 Companioni. The total amount paid for attorney fees, lobbying
126 fees, costs, and other similar expenses relating to this claim
127 may not exceed 25 percent of the amount awarded under this act.

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