

CHAPTER 2015-210

Committee Substitute for House Bill No. 3513

An act for the relief of the Estate of Victor Guerrero by Pasco County; providing for an appropriation to compensate the Guerrero family for Officer Guerrero's death, which was the result of negligence by an employee of Pasco County; providing that the appropriation settles all present and future claims relating to the death of Officer Guerrero; providing a limitation on fees and costs; providing an effective date.

WHEREAS, on May 1, 2008, Victor Guerrero, a veteran of the United States Marine Corps and a decorated, 20-year veteran of the City of Tampa Police Department, was riding his motorcycle to visit his mother on his day off from work, and

WHEREAS, Officer Guerrero was traveling southbound on U.S. 41, about 1 mile north of S.R. 52, which is a straightaway with no obstructions, and

WHEREAS, at the same time, Pasco County employee Daniel Whipple was driving a Pasco County vehicle northbound on U.S. 41, and

WHEREAS, as Officer Guerrero approached Mr. Whipple, Mr. Whipple made a left hand turn directly into the path of Officer Guerrero, and

WHEREAS, an accident reconstruction expert estimated that Officer Guerrero was about 100 feet away when Mr. Whipple, who claimed that he never saw Officer Guerrero, made the turn, and

WHEREAS, Officer Guerrero had no time to brake or swerve and struck the side of Mr. Whipple's truck and was ejected from the motorcycle, and

WHEREAS, Officer Guerrero was airlifted to St. Joseph's Hospital in Tampa, where he was pronounced dead, and

WHEREAS, the Pasco County Driver Safety Review Board investigated the accident and determined that Mr. Whipple was at fault, citing carelessness, and

WHEREAS, after the accident, Officer Guerrero's widow, Lara Guerrero, was unable to return to her job at Home Depot due to severe emotional distress, and was prescribed anti-depressant medication to assist her in dealing with her loss, and

WHEREAS, Officer Guerrero left behind three sons, Michael, David, and Kevin, who were 21, 19, and 15, respectively, at the time of the accident, and

WHEREAS, Lara Guerrero, as personal representative of the Estate of Victor Guerrero, filed a law suit against Pasco County in the Circuit Court of the Sixth Judicial Circuit in Pasco County, and

WHEREAS, on February 10, 2012, the jury in the case returned a verdict for \$7,845,127.30 in favor of the Estate of Victor Guerrero, which was reduced 10 percent for comparative negligence for Officer Guerrero's failure to wear a helmet, leaving a total verdict of \$7,060,614.57, plus interest at the statutory rate of 4.75 percent per annum, and

WHEREAS, the amount awarded by the jury includes economic damages of \$1,095,127.30, which were stipulated to by the parties and include damages for future loss of income and funeral expenses, damages representing loss of support for Lara Guerrero, and damages representing loss of support for Kevin Guerrero, and

WHEREAS, the amount awarded by the jury also includes \$1.5 million for Lara Guerrero for loss of her husband's companionship and protection and for her pain and suffering, and \$1.75 million for each of Officer Guerrero's sons for loss of parental companionship, instruction, and guidance and for their pain and suffering, and

WHEREAS, Pasco County has paid \$186,776.38 of the final judgment, and

WHEREAS, on March 6, 2015, Pasco County and the Guerrero family reached a settlement in this matter for the payment of \$1.5 million in addition to the amount previously paid, NOW, THEREFORE,

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

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

Section 2. Pasco County is authorized and directed to appropriate from funds of the county not otherwise appropriated and to draw a warrant payable to Lara Guerrero, as personal representative of the Estate of Victor Guerrero, in the amount of \$1,500,000, which shall be apportioned as follows: to the Estate of Victor Guerrero in the amount of \$90,000, to Lara Guerrero in the amount of \$405,000, to Kevin Guerrero in the amount of \$345,000, to Michael Guerrero in the amount of \$330,000, and to David Guerrero in the amount of \$330,000, as compensation for injuries and damages sustained as the result of the death of Victor Guerrero.

Section 3. The amount paid previously by Pasco County and the amount awarded under this act are intended to provide the sole compensation for all present and future claims arising out of the factual situation described in the preamble to this act which resulted in the death of Victor Guerrero. The total amount paid for attorney fees, lobbying fees, costs, and other similar expenses relating to this claim may not exceed 25 percent of the amount awarded under this act.

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

Approved by the Governor June 11, 2015.

Filed in Office Secretary of State June 11, 2015.