

## CHAPTER 2019-189

### Committee Substitute for House Bill No. 6525

An act for the relief of Jorge L. Dominguez, Chelsea Beatrice Dominguez, Brittney Delores Dominguez, and Tori Alexis Dominguez by Hillsborough County; providing for an appropriation to compensate them for the wrongful death of Darcia Lynn Dominguez, which occurred as the result of the negligence of Hillsborough County and one of its employees; providing a limitation on the payment of compensation, attorney fees, lobbying fees, and costs; providing an effective date.

WHEREAS, on February 6, 2010, Darcia Lynn Dominguez, a 39-year-old licensed registered nurse, was driving northbound on Veterans Expressway in Tampa, and

WHEREAS, on the morning in question, Santiago Hasbun, an employee of Hillsborough County, acting in the regular course and scope of his employment duties and with the express consent of Hillsborough County, was operating a tractor-trailer owned by Hillsborough County northbound on Veterans Expressway, and

WHEREAS, Mr. Hasbun negligently operated the tractor-trailer when he failed to remove the vehicle from the traveled portion of the highway despite a warning from the vehicle management and control system of impending engine failure, which warning continued for a period of at least 15 minutes before the engine shut down, and despite the availability of a 24-foot to 37-foot grass median onto to which he could have traveled and parked the tractor-trailer, and

WHEREAS, Mr. Hasbun violated Florida law by failing to timely exit the tractor-trailer or to remove it from the traveled portion of the roadway prior to the engine breakdown and, thereafter, by failing to warn approaching motorists of the hazard posed by the vehicle by not placing statutorily required emergency triangles or cones in the proper location at the rear of the vehicle, the purpose of such placement being to apprise approaching motorists of the hazard at a sufficient distance to allow them to stop or take evasive action, and

WHEREAS, Hillsborough County, through its Fleet Management Department, was negligent in its servicing and maintenance of the tractor-trailer driven by Mr. Hasbun, which resulted in an electrical failure, which prevented the operation of the tractor-trailer's emergency flashing lights, and

WHEREAS, the combined negligence of Hillsborough County and its employee, Mr. Hasbun, proximately caused Ms. Dominguez to crash into the back of the tractor-trailer, which had come to a complete stop on the traveled portion of the roadway, and

WHEREAS, at the time of her death as a result of the crash, Ms. Dominguez was the spouse of Jorge L. Dominguez and the mother of their three daughters, Tori Alexis Dominguez, then 10 years of age; Brittney Delores Dominguez, then 16 years of age; and Chelsea Beatrice Dominguez, then 18 years of age, and

WHEREAS, in accordance with the Wrongful Death Act, Mr. Dominguez commenced a legal action against Hillsborough County in Tampa on behalf of the Estate of Darcia Lynn Dominguez and her surviving spouse and daughters, and

WHEREAS, after years of litigation, Hillsborough County on December 13, 2016, acknowledged its negligence and that of its employee and entered into a consent judgment for \$600,000, of which Hillsborough County has paid its sovereign immunity limit of \$200,000, and

WHEREAS, in a separate, confidential settlement, the county's excess insurance carrier, Star Insurance Company, paid an additional, confidential amount to the plaintiff and, by virtue of the consent judgment and the settlement agreement reached between the parties, Hillsborough County has agreed that it is liable to the Estate of Darcia Lynn Dominguez for an additional \$400,000 in damages, to be paid in two equal installments over the course of 2 years, with the first \$200,000 payment to be made during the October following the effective date of this act, and the second \$200,000 payment to be made during October of the immediately following year, and

WHEREAS, Hillsborough County has acknowledged that a reasonable estimate of the damages recoverable for the four statutory survivors of Ms. Dominguez is between \$4 million and \$8 million and forensic estimates of her lifetime earnings, recoverable as damages for loss of net accumulations to her estate, amounted to an additional \$1.7 million, and

WHEREAS, Hillsborough County consents to and fully supports the passage of this act, 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. Hillsborough County is authorized and directed to appropriate from funds not otherwise encumbered and to draw two warrants in the sum of \$200,000 each, payable to the Estate of Darcia Lynn Dominguez. The first \$200,000 shall be paid during the October following the effective date of this act, and the second \$200,000 shall be paid during October of the immediately following year.

Section 3. The amount paid by Hillsborough County pursuant to s. 768.28, Florida Statutes, 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 this act which resulted in the death of Darcia Lynn Dominguez. Of the amount awarded under this act, the total amount paid for attorney fees may not exceed \$100,000, no amount may be paid for lobbying fees, and the total amount paid for costs or other similar expenses may not exceed \$5,892.83.

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

Approved by the Governor May 23, 2019.

Filed in Office Secretary of State May 23, 2019.