

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee
 2 Representative Nuñez offered the following:

Amendment (with title amendment)

Remove lines 75-80 and insert:

3
 4
 5
 6 and to draw a warrant payable to Lara Guerrero, as personal
 7 representative of the Estate of Victor Guerrero in the amount of
 8 \$1,500,000, which shall be apportioned as follows: to the Estate
 9 of Victor Guerrero in the amount of \$90,000, to Lara Guerrero in
 10 the amount of \$405,000, to Kevin Guerrero in the amount of
 11 \$345,000, to Michael Guerrero in the amount of \$330,000, and to
 12 David Guerrero in the amount of \$330,000, as compensation for
 13 injuries and damages sustained as a result of the death of
 14 Victor Guerrero.

15
16
17 -----

Amendment No. 1

18 **T I T L E A M E N D M E N T**

19 Remove lines 2-67 and insert:

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

29
30 WHEREAS, on May 1, 2008, Victor Guerrero, a veteran of the
31 United States Marine Corps and a decorated, 20-year veteran of
32 the City of Tampa Police Department, was riding his motorcycle
33 to visit his mother on his day off from work, and

34 WHEREAS, Officer Guerrero was traveling southbound on U.S.
35 41, about 1 mile north of S.R. 52, which is a straightaway with
36 no obstructions, and

37 WHEREAS, at the same time, Pasco County employee Daniel
38 Whipple was driving a Pasco County vehicle northbound on U.S.
39 41, and

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

Amendment No. 1

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

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

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

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

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

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

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

65 WHEREAS, on February 10, 2012, the jury in the case
66 returned a verdict for \$7,845,127.30 in favor of the Estate of
67 Victor Guerrero, which was reduced 10 percent for comparative
68 negligence for Officer Guerrero's failure to wear a helmet,

Amendment No. 1

69 leaving a total verdict of \$7,060,614.57, plus interest at the
70 statutory rate of 4.75 percent per annum, and

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

77 WHEREAS, the amount awarded by the jury also includes \$1.5
78 million for Lara Guerrero for loss of her husband's
79 companionship and protection and for her pain and suffering, and
80 \$1.75 million for each of Officer Guerrero's sons for loss of
81 parental companionship, instruction, and guidance and for their
82 pain and suffering, and

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

85 WHEREAS, on March 6, 2015, Pasco County and the Guerrero
86 family reached a settlement in this matter for the payment of
87 1.5 million in addition to the amount previously paid, NOW,
88 THEREFORE,

89