



906194

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/11/2015	.	
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The Committee on Judiciary (Diaz de la Portilla) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 75 - 80

and insert:

and to draw a warrant payable to Lara Guerrero, as personal representative of the Estate of Victor Guerrero in the amount of \$1,500,000.00, which shall be apportioned as follows: to the Estate of Victor Guerrero in the amount of \$90,000.00, to Lara Guerrero in the amount of \$405,000.00, to Kevin Guerrero in the amount of \$345,000.00, to Michael Guerrero in the amount of



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11 \$330,000.00, and to David Guerrero in the amount of \$330,000.00,  
12 as compensation for injuries and damages sustained as a result  
13 of the death of Victor Guerrero.

14

15 ===== T I T L E A M E N D M E N T =====

16 And the title is amended as follows:

17 Delete lines 2 - 67

18 and insert:

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

28

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

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

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

39 WHEREAS, as Officer Guerrero approached Mr. Whipple, Mr.



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40 Whipple made a left hand turn directly into the path of Officer  
41 Guerrero, and

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

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

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

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

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

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

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

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



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69 statutory rate of 4.75 percent per annum, and

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

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

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

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