

By Senator Diaz de la Portilla

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1 A bill to be entitled

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

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

16 WHEREAS, Officer Guerrero was traveling southbound on U.S.
17 41, about 1 mile north of S.R. 52, which is a straightaway with
18 no obstructions, and

19 WHEREAS, at the same time, Pasco County employee Daniel
20 Whipple was driving a Pasco County vehicle northbound on U.S.
21 41, and

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

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

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

40-00050B-15

201536__

30 the motorcycle, and

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

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

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

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

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

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

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

40-00050B-15

201536__

59 WHEREAS, the amount awarded by the jury also includes \$1.5
60 million for Lara Guerrero for loss of her husband's
61 companionship and protection and for her pain and suffering, and
62 \$1.75 million for each of Officer Guerrero's sons for loss of
63 parental companionship, instruction, and guidance and for their
64 pain and suffering, and

65 WHEREAS, Pasco County has paid \$186,776.38 of the final
66 judgment and there is a balance owed of \$6,873,838.19, NOW,
67 THEREFORE,

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

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

73 Section 2. Pasco County is authorized and directed to
74 appropriate from funds of the county not otherwise appropriated
75 and to draw a warrant in the sum of \$6,873,838.19 plus interest
76 at the statutory rate of 4.75 percent per annum owed from the
77 date of the final judgment payable to Lara Guerrero, as personal
78 representative of the Estate of Victor Guerrero, as compensation
79 for injuries and damages sustained as the result of the death of
80 Victor Guerrero.

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

40-00050B-15

201536__

88 amount awarded under this act.

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