

By the Committee on Judiciary; and Senator Diaz de la Portilla

590-02145-15

201536c1

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 Guerrero family for Officer Guerrero's  
5 death, which was the result of negligence by an  
6 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.

11  
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

590-02145-15

201536c1

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

590-02145-15

201536c1

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

67 WHEREAS, on March 6, 2015, Pasco County and the Guerrero  
68 family reached a settlement in this matter for the payment of  
69 1.5 million in addition to the amount previously paid, NOW,  
70 THEREFORE,

71  
72 Be It Enacted by the Legislature of the State of Florida:

73  
74 Section 1. The facts stated in the preamble to this act are  
75 found and declared to be true.

76 Section 2. Pasco County is authorized and directed to  
77 appropriate from funds of the county not otherwise appropriated  
78 and to draw a warrant payable to Lara Guerrero, as personal  
79 representative of the Estate of Victor Guerrero in the amount of  
80 \$1,500,000.00, which shall be apportioned as follows: to the  
81 Estate of Victor Guerrero in the amount of \$90,000.00, to Lara  
82 Guerrero in the amount of \$405,000.00, to Kevin Guerrero in the  
83 amount of \$345,000.00, to Michael Guerrero in the amount of  
84 \$330,000.00, and to David Guerrero in the amount of \$330,000.00,  
85 as compensation for injuries and damages sustained as a result  
86 of the death of Victor Guerrero.

87 Section 3. The amount paid previously by Pasco County and

590-02145-15

201536c1

88 the amount awarded under this act are intended to provide the  
89 sole compensation for all present and future claims arising out  
90 of the factual situation described in the preamble to this act  
91 which resulted in the death of Victor Guerrero. The total amount  
92 paid for attorney fees, lobbying fees, costs, and other similar  
93 expenses relating to this claim may not exceed 25 percent of the  
94 amount awarded under this act.

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