

1 A bill to be entitled

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

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

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

21 WHEREAS, Mr. Hasbun negligently operated the tractor-
22 trailer when he failed to remove the vehicle from the traveled
23 portion of the highway despite a warning from the vehicle
24 management and control system of impending engine failure, which
25 warning continued for a period of at least 15 minutes before the

26 engine shut down, and despite the availability of a 24-foot to
27 37-foot grass median onto to which he could have traveled and
28 parked the tractor-trailer, and

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

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

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

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

51 and Chelsea Beatrice Dominguez, then 18 years of age, and
52 WHEREAS, in accordance with the Wrongful Death Act, Mr.
53 Dominguez commenced a legal action against Hillsborough County
54 in Tampa on behalf of the Estate of Darcia Lynn Dominguez and
55 her surviving spouse and daughters, and

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

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

72 WHEREAS, Hillsborough County has acknowledged that a
73 reasonable estimate of the damages recoverable for the four
74 statutory survivors of Ms. Dominguez is between \$4 million and
75 \$8 million and forensic estimates of her lifetime earnings,

76 recoverable as damages for loss of net accumulations to her
 77 estate, amounted to an additional \$1.7 million, and

78 WHEREAS, Hillsborough County consents to and fully supports
 79 the passage of this act, NOW, THEREFORE,

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

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

85 Section 2. Hillsborough County is authorized and directed
 86 to appropriate from funds not otherwise encumbered and to draw
 87 two warrants in the sum of \$200,000 each, payable to the Estate
 88 of Darcia Lynn Dominguez. The first \$200,000 shall be paid
 89 during the October following the effective date of this act, and
 90 the second \$200,000 shall be paid during October of the
 91 immediately following year.

92 Section 3. The amount paid by Hillsborough County pursuant
 93 to s. 768.28, Florida Statutes, and the amount awarded under
 94 this act are intended to provide the sole compensation for all
 95 present and future claims arising out of the factual situation
 96 described in this act which resulted in the death of Darcia Lynn
 97 Dominguez. Of the amount awarded under this act, the total
 98 amount paid for attorney fees may not exceed \$100,000, no amount
 99 may be paid for lobbying fees, and the total amount paid for
 100 costs or other similar expenses may not exceed \$5,892.83.

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