

By Senator Taddeo

40-01043-18

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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 and attorney fees; providing an effective date.

11  
12 WHEREAS, on February 26, 2010, Darcia Lynn Dominguez, a 39-  
13 year-old licensed registered nurse, was driving northbound on  
14 Veterans Highway in Tampa, and

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

20 WHEREAS, Mr. Hasbun negligently operated the tractor-  
21 trailer when he failed to remove the vehicle from the traveled  
22 portion of the highway despite a warning from the vehicle  
23 management and control system of impending engine failure, which  
24 warning continued for a period of at least 15 minutes, before  
25 the engine shut down and despite the availability of a 24-foot  
26 to 37-foot grass median onto to which he could have traveled and  
27 parked the tractor-trailer, and

28 WHEREAS, Mr. Hasbun violated Florida law by failing to  
29 timely exit or remove his vehicle from the traveled portion of

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30 the roadway prior to the engine breakdown and, thereafter, by  
31 failing to warn approaching motorists of the hazard by not  
32 placing statutorily required emergency triangles or cones in the  
33 proper location at the rear of the vehicle, the purpose of such  
34 emergency triangles or cones being to apprise approaching  
35 motorists of the impeding hazard at a sufficient distance to  
36 allow the approaching motorist to timely stop or take evasive  
37 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 one of its employees proximately caused Ms. Dominguez to crash  
45 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

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

71 WHEREAS, Hillsborough County has acknowledged that a  
72 reasonable estimate of the damages recoverable for the four  
73 statutory survivors of Ms. Dominguez is between \$4 million and  
74 \$8 million and forensic estimates of her lifetime earnings,  
75 recoverable as damages for loss of net accumulations to her  
76 estate, amounted to an additional \$1.7 million, and

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

79  
80 Be It Enacted by the Legislature of the State of Florida:

81  
82 Section 1. The facts stated in the preamble to this act are  
83 found and declared to be true.

84 Section 2. Hillsborough County is authorized and directed  
85 to appropriate from funds not otherwise encumbered and to draw  
86 two warrants in the sum of \$200,000 each, payable to the Estate  
87 of Darcia Lynn Dominguez as set forth in this act.

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88           Section 3. The amount paid by Hillsborough County pursuant  
89 to s. 768.28, Florida Statutes, and the amount awarded under  
90 this act are intended to provide the sole compensation for all  
91 present and future claims arising out of the factual situation  
92 described in this act which resulted in the death of Darcia Lynn  
93 Dominguez. The total amount paid for attorney fees relating to  
94 this claim may not exceed 25 percent of the amount awarded under  
95 this act.

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