

Committee Substitute for Senate Bill No. 82

An act for the relief of Maria Verela, as personal representative of the Estate of Veronica Barcos, deceased, and Carlos Barcos as guardian of Janessa Barcos and Natalee Barcos, minor children of Veronica Barcos, and providing for the relief of Ligia Iglesias and Alba Luz Avendano, as co-personal representatives of the Estate of Zuleima Torres, deceased, and as co-guardians of Ashley Barcos and Gianni Barcos, minor children of Zuleima Torres; providing an appropriation to compensate them for injuries sustained as a result of the negligence of the Department of Transportation; providing an effective date.

WHEREAS, just after midnight on September 1, 1997, 27-year-old Zuleima Torres was driving her vehicle in a lawful manner over the 17th Street Bridge in Ft. Lauderdale, Florida, and

WHEREAS, Veronica Barcos was a passenger in the vehicle driven by Zuleima Torres, and

WHEREAS, the 17th Street Bridge was constructed of reinforced concrete leading up to steel grating, which could be raised to allow boat traffic to pass under the bridge through the intercoastal waterway, and

WHEREAS, it had been raining sporadically for several hours, causing the steel grating portion of the bridge to become extremely slick, and

WHEREAS, a BMW vehicle traveling ahead of Zuleima Torres' vehicle was caused to spin out of control and come to rest facing oncoming traffic, and

WHEREAS, as the vehicle driven by Zuleima Torres came upon the BMW, Zuleima Torres applied her brakes, causing her vehicle to fishtail on the steel grating portion of the bridge, swerve across the center divider, jump the curb and retaining railing, and plunge into the intercoastal waterway below, trapping both occupants inside as it sank to the bottom, and

WHEREAS, there was a bridge tender on duty who was aware of the situation at the time of the accident but who did nothing to alert oncoming traffic of the danger ahead, and

WHEREAS, the bridge had been the subject of numerous maintenance and repair orders prior to the accident and was in the process of being replaced by a new bridge then under construction, and

WHEREAS, lawsuits were filed against the Florida Department of Transportation, seeking compensation for the deaths of Veronica Barcos and Zuleima Torres and asserting, among other things, that the Department of Transportation was on notice of the bridge deficiencies yet failed to properly maintain the roadway surface, and

WHEREAS, after vigorously litigating the case, the parties fully mediated this case on April 24, 2001, and reached a settlement of all claims, and

WHEREAS, the parties entered into a Stipulation of Settlement in which the Department of Transportation agreed to pay \$583,333.33 to the family of Veronica Barcos and \$416,666.67 to the family of Zuleima Torres, and

WHEREAS, the department has previously paid \$100,000 each to the claimants, pursuant to the limits set forth in section 768.28, Florida Statutes, and agrees to affirmatively support a claim bill for payments totaling \$800,000, NOW, THEREFORE,

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

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

Section 2. The Executive Office of the Governor is directed to establish spending authority from unappropriated trust fund balances in the Department of Transportation in the amount of \$483,333.33 to a new category titled "Relief: Maria Verela" as relief for injuries and damages sustained. After payment of fees, costs, and authorized expenses, the proceeds recovered through the passage of this act shall be apportioned equally between Janessa Barcos, surviving minor child of Veronica Barcos, and Natalee Barcos, surviving minor child of Veronica Barcos, and shall be placed in the guardianship account established for Janessa Barcos, surviving minor child of Veronica Barcos, and Natalee Barcos, surviving minor child of Veronica Barcos, respectively.

Section 3. The Comptroller is directed to draw a warrant in favor of Maria Verela, as personal representative of the Estate of Veronica Barcos, deceased, and on behalf of Janessa Barcos and Natalee Barcos, minor children of Veronica Barcos, in the sum of \$483,333.33, upon funds of the State Transportation (Primary) Trust Fund, and the State Treasurer is directed to pay the same out of such funds in the State Treasury.

Section 4. The Executive Office of the Governor is directed to establish spending authority from unappropriated trust fund balances in the Department of Transportation in the amount of \$316,666.67 to a new category titled "Relief: Ligia Iglesias and Alba Luz Avendano" as relief for injuries and damages sustained. After payment of fees, costs, and authorized expenses, the proceeds recovered through the passage of this act shall be apportioned equally between Ashley Barcos, surviving minor child of Zuleima Torres, and Gianni Barcos, surviving minor child of Zuleima Torres, and shall be placed in the guardianship account established for Ashley Barcos, surviving minor child of Zuleima Torres, and Gianni Barcos, surviving minor child of Zuleima Torres, respectively.

Section 5. The Comptroller is directed to draw a warrant in favor of Ligia Iglesias and Alba Luz Avendano, as co-personal representatives of the Estate of Zuleima Torres, deceased, and on behalf of Ashley Barcos and Gianni Barcos, minor children of Zuleima Torres, in the sum of \$316,666.67, upon funds of the Department of Transportation in the State Treasury, and the State Treasurer is directed to pay the same out of such funds in the State Treasury.

Section 6. This act shall take effect upon becoming a law.

Approved by the Governor June 5, 2002.

Filed in Office Secretary of State June 5, 2002.