

By the Committee on Claims and Representative Bense

1 A bill to be entitled
2 An act for the relief of Maria Verela, as
3 personal representative of the Estate of
4 Veronica Barcos, deceased, and Carlos Barcos as
5 guardian of Janessa Barcos and Natalee Barcos,
6 minor children of Veronica Barcos, and
7 providing for the relief of Ligia Iglesias and
8 Alba Luz Avendano, as co-personal
9 representatives of the Estate of Zuleima
10 Torres, deceased, and as co-guardians of Ashley
11 Barcos and Gianni Barcos, minor children of
12 Zuleima Torres; providing an appropriation to
13 compensate them for injuries sustained as a
14 result of the negligence of the Department of
15 Transportation; providing an effective date.

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17 WHEREAS, just after midnight on September 1, 1997,
18 27-year-old Zuleima Torres was driving her vehicle in a lawful
19 manner over the 17th Street Bridge in Ft. Lauderdale, Florida,
20 and

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

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

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

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

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

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

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

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

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

27 WHEREAS, the parties entered into a Stipulation of
28 Settlement in which the Department of Transportation agreed to
29 pay \$583,333.33 to the family of Veronica Barcos and
30 \$416,666.67 to the family of Zuleima Torres, and

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

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

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

11 Section 2. There is appropriated from the General
12 Revenue Fund to the Department of Transportation the sum of
13 \$483,333.33 for the relief of Maria Verela, as personal
14 representative of the Estate of Veronica Barcos, deceased, and
15 Carlos Barcos as guardian of Janessa Barcos and Natalee
16 Barcos, minor children of Veronica Barcos, for injuries and
17 damages sustained. After payment of fees, costs, and
18 authorized expenses, the proceeds recovered through the
19 passage of this act shall be apportioned equally between
20 Janessa Barcos, surviving minor child of Veronica Barcos, and
21 Natalee Barcos, surviving minor child of Veronica Barcos, and
22 shall be placed in the guardianship account established for
23 Janessa Barcos, surviving minor child of Veronica Barcos, and
24 Natalee Barcos, surviving minor child of Veronica Barcos,
25 respectively.

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

1 is directed to pay the same out of such funds in the State
2 Treasury.

3 Section 4. There is appropriated from the General
4 Revenue Fund to the Department of Transportation the sum of
5 \$316,666.67 for the relief of Ligia Iglesias and Alba Luz
6 Avendano, as co-personal representatives of the Estate of
7 Zuleima Torres, deceased, and as co-guardians of Ashley Barcos
8 and Gianni Barcos, minor children of Zuleima Torres, for
9 injuries and damages sustained. After payment of fees, costs,
10 and authorized expenses, the proceeds recovered through the
11 passage of this act shall be apportioned equally between
12 Ashley Barcos, surviving minor child of Zuleima Torres, and
13 Gianni Barcos, surviving minor child of Zuleima Torres, and
14 shall be placed in the guardianship account established for
15 Ashley Barcos, surviving minor child of Zuleima Torres, and
16 Gianni Barcos, surviving minor child of Zuleima Torres,
17 respectively.

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

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

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HOUSE SUMMARY

Provides 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. Provides 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. Provides an appropriation to compensate them for injuries sustained as a result of the negligence of the Department of Transportation.