

Bill No. CS for SB 82

Amendment No.      Barcode 750288

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Diaz de la Portilla moved the following amendment:

**Senate Amendment (with title amendment)**  
Delete everything after the enacting clause

and insert:

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

Section 2. There is appropriated from the General Revenue Fund to the Department of Transportation the sum of \$483,333.33 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, 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

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1 Natalee Barcos, surviving minor child of Veronica Barcos,  
2 respectively.

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

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

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

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

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

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7 ===== T I T L E A M E N D M E N T =====

8 And the title is amended as follows:

9 Delete everything before the enacting clause

10

11 and insert:

12

A bill to be entitled

13

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

27

28 WHEREAS, just after midnight on September 1, 1997,  
29 27-year-old Zuleima Torres was driving her vehicle in a lawful  
30 manner over the 17th Street Bridge in Ft. Lauderdale, Florida,  
31 and

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

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

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

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

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

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

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

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

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1 maintain the roadway surface, and

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

5 WHEREAS, the parties entered into a Stipulation of  
6 Settlement in which the Department of Transportation agreed to  
7 pay \$583,333.33 to the family of Veronica Barcos and  
8 \$416,666.67 to the family of Zuleima Torres, and

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

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