

By the Committee on Finance and Taxation; and Senator Diaz de la Portilla

314-2150-02

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

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

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

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

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

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

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

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

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

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

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

30 WHEREAS, the department has previously paid \$100,000
31 each to the claimants, pursuant to the limits upon waiver of

1 sovereign immunity which are set forth in section 768.28,
2 Florida Statutes, and agrees to affirmatively support a claim
3 bill for payments totaling \$800,000, NOW, THEREFORE,

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

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

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

19 Section 3. The Comptroller is directed to draw a
20 warrant in favor of Maria Verela, as personal representative
21 of the Estate of Veronica Barcos, deceased, and on behalf of
22 Janessa Barcos and Natalee Barcos, minor children of Veronica
23 Barcos, in the sum of \$483,333.33, upon funds of the
24 Department of Transportation in the State Treasury, and the
25 State Treasurer is directed to pay the same out of such funds
26 in the State Treasury.

27 Section 4. The Executive Office of the Governor is
28 directed to establish spending authority from unappropriated
29 trust fund balances in the Department of Transportation in the
30 amount of \$316,666.67 to a new category titled "Relief: Ligia
31 Iglesias and Alba Luz Avendano" as relief for injuries and

1 damages sustained. After payment of fees, costs, and
2 authorized expenses, the proceeds recovered through the
3 passage of this act shall be apportioned equally between
4 Ashley Barcos, surviving minor child of Zuleima Torres, and
5 Gianni Barcos, surviving minor child of Zuleima Torres.

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

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

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17 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
18 COMMITTEE SUBSTITUTE FOR
19 SB 82

20 The Committee Substitute changes the type of fund that the
21 money is appropriated from in the bill. Instead of the money
22 being appropriated from the General Revenue Fund, the
23 Committee Substitute directs the Executive Office of the
24 Governor to establish spending authority from unappropriated
25 trust fund balances in the Department of Transportation.
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