

1 A bill to be entitled
2 An act relating to Metropolitan Dade County;
3 providing for the relief of Martha Sosa;
4 providing for an appropriation to compensate
5 her for injuries and damages sustained as a
6 result of the negligence of Metropolitan Dade
7 County; providing for reimbursement of all
8 unreimbursed medical payments made by Medicaid
9 up to the date that this bill becomes a law;
10 providing an effective date.

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12 WHEREAS, on October 27, 1995, Martha Sosa was on her
13 way home from work on a Route 11 Metropolitan Dade County bus,
14 and

15 WHEREAS, she disembarked from the bus, walked to the
16 bus bench to tie her shoe, and lost her balance and fell into
17 the street under the bus in front of the rear wheels on the
18 passenger side, and

19 WHEREAS, Ms. Sosa was able to move most of her body out
20 from under the bus, but was unable to remove her right arm
21 before the bus drove over it, and

22 WHEREAS, Martha Sosa suffered a degloving injury to her
23 right arm, which involved the skin, flesh, and muscle tissue
24 being stripped away from the bone beginning at the top of her
25 shoulder and continuing down to her wrist, and

26 WHEREAS, Ms. Sosa underwent six surgeries to repair her
27 arm, was in the hospital for approximately 1 month following
28 the injury, underwent 5 months of occupational therapy, and
29 has remaining disabilities with her arm, and

30 WHEREAS, Ms. Sosa was out of work for approximately 9
31 months, and

1 WHEREAS, Martha Sosa filed suit against Metropolitan
2 Dade County on May 31, 1996, and

3 WHEREAS, on July 23, 1998, the jury returned a verdict
4 finding the defendant sixty-five percent liable for Ms. Sosa's
5 injuries and finding Ms. Sosa thirty-five percent
6 comparatively negligent for her own injuries, and

7 WHEREAS, a trial on damages immediately followed with
8 the jury returning a verdict in the total amount of \$2,576,000
9 on July 24, 1998, and

10 WHEREAS, after a reduction for the comparative
11 negligence assigned to Ms. Sosa, the total recovery due her
12 from Metropolitan Dade County was \$1,674,000, and

13 WHEREAS, after the jury verdict, the parties entered
14 into mediation and settled the case for the total amount of
15 \$1,000,000 on September 14, 1998, and

16 WHEREAS, Metropolitan Dade County has paid the limit of
17 \$100,000 under section 768.28, Florida Statutes, and

18 WHEREAS, Metropolitan Dade County has agreed to support
19 a claim bill for the remaining amount of \$900,000, under the
20 settlement agreement, NOW, THEREFORE,

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

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

26 Section 2. Metropolitan Dade County is authorized and
27 directed to appropriate from funds of the county not otherwise
28 appropriated and to draw a warrant in the sum of \$900,000
29 payable to Martha Sosa for injuries and damages sustained as a
30 result of the negligence of Metropolitan Dade County.

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1 Section 3. The governmental entity responsible for
2 payment of the warrant shall pay to the Florida Agency for
3 Health Care Administration the amount due under section
4 409.910, Florida Statutes, prior to disbursing any funds to
5 the claimant. The amount due to the agency shall be equal to
6 all unreimbursed medical payments paid by Medicaid up to the
7 date that this bill becomes a law.

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

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