

By the Committee on Judiciary and Senator Campbell

308-1807-01

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A bill to be entitled

An act relating to Martin County; providing for the relief of Margaret B. Helm for injuries and damages sustained as a result of the negligence of the Martin County Volunteer Fire Department; specifying the use of funds appropriated; providing for reimbursement of Medicaid and Brain and Spinal Cord Injury Program expenditures; providing an effective date.

WHEREAS, on March 21, 1999, Veronica Pochopin was driving at or near County Road 707 (Dixie Highway) at Jenson Beach in Martin County, Florida, when an intoxicated bicyclist rode into the path of her motor vehicle and was struck by Mrs. Pochopin, and

WHEREAS, Margaret B. Helm, a passing motorist, stopped to assist Mrs. Pochopin, and

WHEREAS, Margaret B. Helm, Veronica Pochopin, and Mrs. Pochopin's husband, who was a passenger in the vehicle, were sitting behind the damaged vehicle while Margaret B. Helm was attempting to care for Mrs. Pochopin, and

WHEREAS, while the Martin County volunteer firefighters were attempting to extricate the body of the intoxicated bicyclist from the front seat of the damaged vehicle, where it had landed after coming through the windshield, the vehicle went into reverse running over Margaret B. Helm, and

WHEREAS, as a result of this incident, Margaret B. Helm is now a paraplegic and is expected to remain so for the rest of her life, and

WHEREAS, Margaret B. Helm and Martin County have entered into a settlement agreement that requires Martin

1 County to pay, pursuant to a claim bill enacted by the
2 Legislature, the sum of \$2,250,000, with \$500,000 of this sum
3 to be paid in the form of an annuity, in addition to the
4 \$100,000 already paid pursuant to the statutory cap on
5 liability in section 768.28, Florida Statutes, and

6 WHEREAS, the payment will not involve any tax increase
7 in Martin County for the sole purpose of paying the amounts
8 agreed to in the settlement agreement, NOW, THEREFORE,

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

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

14 Section 2. Martin County is authorized and directed to
15 draw a warrant in the sum of \$1,750,000, less amounts payable
16 pursuant to section 3, payable to Margaret Helm as
17 compensation for injuries and damages caused by the negligence
18 of the Martin County Volunteer Fire Department. After payment
19 of any outstanding liens not specified in section 3, statutory
20 attorney's fees, and costs, the remaining proceeds shall be
21 paid to Margaret Helm. In addition to the \$1,750,000 lump sum
22 payment, Martin County is also directed to pay an additional
23 \$500,000 to Margaret Helm in the form of an annuity.

24 Section 3. The governmental entity responsible for
25 payment of the warrant shall pay to the Florida Agency for
26 Health Care Administration the amount due under section
27 409.910, Florida Statutes, prior to disbursing any funds to
28 the claimant. The amount due the agency shall be equal to all
29 unreimbursed medical payments paid by Medicaid up to the date
30 upon which this act takes effect. The governmental entity
31 responsible for payment of the warrant shall also pay to the

1 Florida Department of Health the amount due to the department
2 prior to disbursing any funds to the claimant. The amount due
3 to the department shall be equal to all unreimbursed payments
4 paid by the Brain and Spinal Cord Injury Program up to the
5 date upon which this act takes effect.

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

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9 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
10 COMMITTEE SUBSTITUTE FOR
11 SB 76

12 Clarifies that the governmental entity responsible for payment
13 of the warrant shall first reimburse Medicaid and the Florida
14 Department of Health for all unreimbursed payments made by
15 those entities, prior to disbursing any funds to the claimant.
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