

By Senator Campbell

33-66-02

1                                   A bill to be entitled  
2           An act relating to Martin County; providing for  
3           the relief of Margaret B. Helm for injuries and  
4           damages sustained as a result of the negligence  
5           of the Martin County Volunteer Fire Department;  
6           specifying the use of funds appropriated;  
7           providing for reimbursement of Medicaid and  
8           Brain and Spinal Cord Injury Program  
9           expenditures; providing an effective date.

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

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

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

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

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

30           WHEREAS, Margaret B. Helm and Martin County have  
31           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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