

By the Committee on Finance and Taxation; and Senator Campbell

314-1817-02

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 Brain
8 and Spinal Cord Injury Program, and Vocational
9 Rehabilitation Services expenditures; providing
10 an effective date.

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

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

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

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

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

31

1 WHEREAS, Margaret B. Helm and Martin County have
2 entered into a settlement agreement that requires Martin
3 County to pay, pursuant to a claim bill enacted by the
4 Legislature, the sum of \$2,250,000, with \$500,000 of this sum
5 to be paid in the form of an annuity, in addition to the
6 \$100,000 already paid pursuant to the statutory cap on
7 liability in section 768.28, Florida Statutes, and

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

11
12 Be It Enacted by the Legislature of the State of Florida:

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

16 Section 2. Martin County is authorized and directed to
17 draw a warrant in the sum of \$1,750,000, less amounts payable
18 pursuant to section 3, payable to Margaret Helm as
19 compensation for injuries and damages caused by the negligence
20 of the Martin County Volunteer Fire Department. After payment
21 of any outstanding liens not specified in section 3, statutory
22 attorney's fees, and costs, the remaining proceeds shall be
23 paid to Margaret Helm. In addition to the \$1,750,000 lump-sum
24 payment, Martin County is also directed to pay an additional
25 \$500,000 to Margaret Helm in the form of an annuity.

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

1 upon which this act takes effect. The governmental entity
2 responsible for payment of the warrant shall also pay to the
3 Florida Department of Health the amount due to the department
4 prior to disbursing any funds to the claimant. The amount due
5 to the department shall be equal to all unreimbursed payments
6 paid by the Brain and Spinal Cord Injury Program up to the
7 date upon which this act takes effect. The governmental entity
8 shall also pay to the Department of Education the amount, if
9 any, due to the department prior to disbursing any funds to
10 the claimant. The amount due to the department shall be equal
11 to all unreimbursed payments paid by the department's
12 Vocational Rehabilitation Services Program up to the date upon
13 which this act takes effect.

14 Section 4. This act shall take effect upon becoming a
15 law.

16
17 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
18 COMMITTEE SUBSTITUTE FOR
19 SB 24

20 The Committee Substitute for SB 24 provides that prior to
21 disbursing any funds to the claimant, the governmental entity
22 responsible for payment of the warrant shall pay to the
23 Department of Education any outstanding any amount due for
24 unreimbursed payments made by the department's Vocational
25 Rehabilitation Services Program.
26
27
28
29
30
31